

This guide is intended to help you use the **uncontested** divorce forms provided by [www.TexasLawHelp.org](http://www.TexasLawHelp.org)

**Do not use these forms or this guide if:**

- ❶ Your divorce is contested\*
- ❶ The wife is pregnant.
- ❶ You have a bankruptcy pending. (If you have a pending bankruptcy, talk with a bankruptcy lawyer before filing for divorce.)
- ❶ Neither you nor your spouse has lived in Texas in the last 6 months.

### Is your divorce contested? -Or- Is your divorce uncontested?

\*Your case is **contested** when you and your spouse don't agree about getting the divorce, dividing your property and debts, or what to do with your children. **DO NOT USE THESE FORMS** or this brochure for a contested divorce.

Your case is **uncontested** when:

- ▶ It is 'agreed' – You and your spouse agree about all of the issues in your case.
- or**
- ▶ It is 'default' – Your spouse does not file an answer with the Court after being officially served with your divorce paperwork.

#### Table of Contents

<i>Basic Information, page 2</i>
<i>Know the Steps, page 3</i>
<i>Legal Notice Chart, page 6</i>
<i>Are you Ready for Court? page 7</i>
<i>Common Questions, page 8</i>

**REMEMBER: It is always best to have the advice of a lawyer. The court clerks, librarians, and judges want to help you, but they cannot give you legal advice, help you fill out your forms, or tell you what to do. If you proceed without a lawyer, you will be responsible for protecting yourself.**

## Basic Information

### What is a divorce?

A divorce ends your marriage.

A divorce *decree* says who keeps what property and who pays what debts.

### Where do I get divorced?

- ✓ You can get divorced in Texas if you **or** your spouse has lived in Texas for the last 6 months.
- ✓ File your divorce in the county courthouse where you **or** your spouse has lived for the last 90 days.

### Why do I need to wait until after the baby is born?

Most Texas courts will not finalize a divorce if the wife is pregnant, even if the baby is not the husband's. Instead, the courts wait until after the baby is born so that orders regarding the baby can be included in the divorce decree.

### Do I need a lawyer?

You do not *have* to have a lawyer to get a divorce, but it's a good idea especially if:

- You and your spouse do not agree (the divorce is contested).
- Your spouse has a lawyer.
- You are afraid for your safety or your children's safety.
- You are unsure how to divide property such as retirement and real estate correctly.

Getting a divorce can be complicated. If you make a mistake, it could affect your children, your property, and your income. Try to speak to a lawyer about your legal rights before you file your *Petition for Divorce*. Some lawyers will **unbundle** their services. They will "coach" you to represent yourself and only charge for the services you request. Other lawyers are available only if you hire them to handle every step of the case. If you can't afford to hire a lawyer, contact your local Legal Aid office.

### What forms do I need?

There are several form packets to choose from on [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

Choose the **Divorce without Children** forms if you do not have minor children of the marriage **or** if you have child support and visitation orders already in place.

Choose the **Divorce with Children** forms if children were born or adopted during the marriage and the children are younger than 18 or have not graduated from high school. Exception: If you already have final court orders for custody and support of the children, and you are not asking for a change to those orders in the divorce process, then use the Divorce without Children forms and attach a copy of the current custody and support orders (showing the judge's signature) to the Decree.

If you cannot afford the court filing fees, you should also file an **Affidavit of Inability to Pay Costs**. This form tells the court about your income and assets and asks the court to waive the filing fee.

The **Default Judgment Kit** explains what you need to do to get a final judgment when your spouse will not respond to the divorce. This kit includes instructions and explanations about what you must do, a checklist for the forms you need, and the forms you can use.

If you cannot find your spouse, review the **Legal Notice**, the **Service by Posting**, and the **Service by Publication**, kits on [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

#### Important Note:

The [www.TexasLawHelp.org](http://www.TexasLawHelp.org) forms are forms used in a basic, uncontested divorce.

You will need to hire a lawyer to draft forms for special issues like spousal support, transfer of land and houses, division of retirement and investment accounts, etc.

You need an attorney for a contested divorce, especially if temporary support or restraining orders are needed.

DO NOT use the [www.TexasLawHelp.org](http://www.TexasLawHelp.org) forms for a contested divorce.

# Divorce in Texas – Know the Steps

## Step 1. Fill out the Original Petition for Divorce.

This form tells the judge and your spouse that you want a divorce.

## Step 2. Make 2 copies of your completed Original Petition for Divorce.

## Step 3. File your Original Petition for Divorce.

Take the original and 2 copies of your completed *Original Petition for Divorce* to the Courthouse. File your papers with the District Clerk's Office.

**The clerk will ask you to pay a fee** (around \$250 - \$300) to file your *Original Petition for Divorce*. If you cannot afford the fee, you should also file an *Affidavit of Inability to Pay Costs*.

This form tells the court about your income and assets and asks the court to waive the filing fee.

The clerk will stamp your papers with the date you file. She will also assign a cause number and a judicial district. The clerk will keep the original and give back your copies. Keep a copy for yourself in a safe place. You will need the other copy to give legal notice to your spouse.

NOTE: In most counties family law cases are heard in the *district* courts and all paperwork is filed in the *District* Clerk's Office. In counties where family law cases are heard in county courts, you would file your paper work in the County Clerk's Office.

## Step 4. Give Your Spouse "Legal Notice."

You must **notify** your spouse that you are asking the court for a divorce and you must **prove** to the court that you did so. This is called giving "**legal notice**." There are 4 ways to give legal notice:

**1) Waiver of Citation.** You may give legal notice by giving your spouse a file-stamped copy of your *Original Petition for Divorce* and a *Waiver of Citation* that he or she signs in front of a notary and files with the Court. If you choose this method, do not give your spouse the *Waiver of Citation* until after you file your *Original Petition for Divorce*.\*

\*The *Waiver of Citation* in this packet is a global waiver. By signing a global waiver, your spouse gives up the right to be given a copy of the divorce *Petition* by Official Service and the right to know what orders you will ask the judge to make regarding your children and property. If your spouse signs the *Waiver of Citation* provided in this packet s/he does not have to sign the *Decree of Divorce* or go to court.

**2) Answer.** If your spouse agrees to the divorce and wants to know what orders you will request, or when hearings are scheduled, then s/he should sign and file an *Answer* instead of a *Waiver*. If your spouse files an *Answer*, s/he must also agree to and sign the *Decree of Divorce* to finish your divorce without a contested hearing. You do not need to have your spouse officially served.

**3) Official Service in Person or by Mail.** You can have an official process server give notice to your spouse either in person or by certified mail.

If you are having your spouse served in jail, do not use Official Service by Mail. Instead, send your divorce paperwork to an official server in that county so that your spouse can be personally served.

After your spouse is served the official server fills out a *Return of Service* form stating when and where your spouse was served. This is proof to the court that you notified your spouse of the divorce.

The *Return of Service* form must be filed with the clerk's office.

**4) Official Service by Publication or Posting.** Either Publication or Posting is used when a spouse can't be found. You will have to prove to the judge that you tried hard to find your spouse. You may have to pay your spouse's attorney's fees. There is more information about this type of service at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

Read the Legal Notice chart on page 6 to select the method of notice you plan to use.

## Step 5. Wait.

### 61 Day Waiting Period – (Applies in Most cases)

In most cases, you must wait at least 61 days from the day you filed your *Original Petition for Divorce* before you can finish your divorce. You can always wait longer than 61 days, but your divorce cannot be finished in less than 61 days. When counting the 61 days, count the day you filed your *Original Petition for Divorce* on a calendar, and then count out 61 more days.

The 61 Day Waiting Period can be waived in cases of domestic violence if:

You have an active Protective Order against your spouse who committed family violence during your marriage, or your spouse has received deferred adjudication or a final conviction for committing family violence against you or a member of your household.

### Other Waiting Periods

#### 21 Day Answer Period – (Applies in Official Service cases only)

If your spouse was served with legal notice by an official process server, you must wait at least 21 days after your spouse was served, to see if your spouse will file an answer. This 21-day period may or may not fall within the 61 day waiting period. When counting the 21 days, count the day your spouse was served on a calendar, and then count out 21 more days. Go to the next Monday on the calendar. This is the last official day of your spouse's answer period. However, your spouse can file an answer any time before you finish your divorce.

#### 7 Day Waiting Period – (Applies in Posting cases only)

If your spouse was served by **Posting** add an additional 7 days to the 21 day answer period. Go to the next Monday on the calendar. This is the last official day of your spouse's answer period. However, your spouse can file an answer any time before you finish your divorce.

#### 10 Day Waiting Period – (Applies in Official Service cases only)

If your spouse was served with legal notice by an official process server, the official process server fills out a return of service form stating when and where your spouse was served. The **return of service** must be on file with the District Clerk's office for 10 days. When counting the 10 days, do not count the day your spouse was served or the day you go to court. There must be 10 days in between.



### What about mediation?

If you and your spouse do not agree on all issues you should consider mediation. In mediation, an independent person will try to help you reach an agreement. The divorce process is usually easier when you have an agreement. Talk to a lawyer first so that you understand your legal rights.

Mediation is not a good idea if you are afraid of your spouse.

## Step 6. Determine if your case is *contested* or *uncontested*.

How did your spouse respond to the court when you gave him or her legal notice?

- Your case is **contested** if your spouse files an answer and does not agree to the terms of the divorce.
- Your **uncontested** case is '**agreed**' if you and your spouse agree on what to put in your Decree of Divorce, your spouse has signed a waiver or answer, and your spouse is willing to sign your *Decree of Divorce*.
- Your **uncontested** case is '**default**' if your spouse did not file an answer after being officially served by the Official Service Process method. After the waiting periods have passed, call the Clerk's Office to find out if your spouse filed an answer. If your spouse did not file an answer you can finish your divorce without your spouse. Download the "Default Judgment Kit" from [www.TexasLawHelp.org](http://www.TexasLawHelp.org). This kit includes the extra paperwork you will need to finish your divorce by default.

## Step 7. Find out when the Court hears uncontested divorce cases.

Call the District Clerk's Office to find out when the Court in your county hears uncontested divorce cases. Some courts in big counties have an "uncontested docket" where they hear uncontested divorce cases every day. Other courts, especially those in smaller counties, only hear uncontested divorce cases on certain days.

## Step 8. Write your Decree of Divorce.

Fill out your *Decree of Divorce*. This is the paper the judge signs, granting your divorce. The *Decree of Divorce* also says who keeps what property and who pays what debts. If you and your spouse have children, the decree of divorce says who makes decisions about your children, when the children see each parent and which parent pays child support and provides health insurance for the children. The decree of divorce may include other orders such as who pays spousal support and how much.

It's best to have a lawyer review your *Decree of Divorce* before you present it to the Court. You may also need to hire a lawyer to write additional documents if you are dividing retirement benefits or a 401(k) account or transferring ownership of a house or land.

## Step 9. Go to court.

Bring all of your paperwork to the courthouse on the day the court in your county hears uncontested divorce cases. Read "Are you ready for court?" on page 7.

If your case is **agreed** bring:

- 1) a copy of your *Original Petition of Divorce*; and
- 2) the *Waiver of Citation or Answer* signed by your spouse; and
- 3) "*Information on Suit Affecting the Family Relationship*" form; **and**
- 4) your *Decree of Divorce*, (if your spouse filed an answer, make sure s/he signed the *Decree of Divorce*).

If your case is **default** bring:

- 1) a copy of your *Original Petition of Divorce*; and
- 2) your *Decree of Divorce*; and
- 3) Military Servicemember's Affidavit and Certificate of Last Known Address, (these forms are part of the Default Judgment Kit at [www.TexasLawHelp.org](http://www.TexasLawHelp.org)); **and**
- 4) "*Information on Suit Affecting the Family Relationship*" form

## Step 10. Finish your divorce by filing your decree in the District Clerk's Office.

Take your paperwork back to the Clerk's Office after it is signed by the Judge. Your divorce is not final until the paperwork is filed. File the "*Information on Suit Affecting the Family Relationship*" form.

NOTE: In some counties, the court, not you, files the signed Decree in the Clerk's Office.

The clerk will keep the original documents and make copies for you for a fee. You might consider asking the clerk for a certified copy of your Decree of Divorce. If you have **child support orders**, ask the clerk what you need to do to set up your child support account and wage withholding. There will be a fee.

## Steps in a divorce if your case is Uncontested

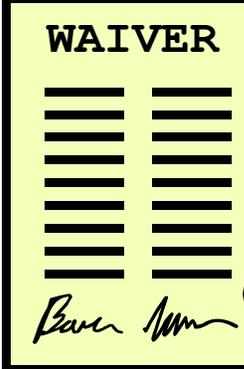
- 1 Fill out the *Original Petition for Divorce*.  
↓
- 2 Make 2 copies of your completed *Original Petition for Divorce*.  
↓
- 3 File your *Original Petition for Divorce*.  
↓
- 4 Give Your Spouse "Legal Notice."  
↓
- 5 Wait the required waiting periods.  
↓
- 6 Determine if your case is *uncontested* or *contested* case before proceeding.  
↓
- 7 Learn when & where the court hears uncontested divorces.  
↓
- 8 Write your *Decree of Divorce*.  
↓
- 9 Go to court and get the needed signatures.  
↓
- 10 **Finish your Uncontested divorce** by filing the signed decree in the Clerk's Office.

**Giving Legal Notice in Agreed and Default Divorces:  
Proving to the Court You Notified your Spouse of the Divorce**

**If you can locate your spouse AND . . .**

**You want to give the divorce papers to your spouse yourself AND . . .**

Your spouse **agrees** to all parts of the divorce and does not want to be notified of hearings or sign the decree, **THEN USE** →



The Waiver of Citation is a form signed by the responding spouse and filed with the court to show that he or she has received a notice and waives the right to know what orders for child support & property you will ask the judge to make.

**Waiver of Citation method**

Your spouse wants to sign the decree, to know what orders you will ask for, or wants to know when hearings are scheduled, **THEN USE** →

The Answer is a form filed by the respondent instead of the Waiver of Citation when the respondent wants to retain certain rights.



**Spouse files Answer method \***

**You want someone else to give your spouse the divorce papers or you believe your spouse would not respond using the Waiver or Answer methods AND . . .**

You want a constable, sheriff's officer or other official process server to deliver the paperwork or your spouse is in jail, **THEN USE** →



The official server needs to personally give your spouse the paperwork, *unless s/he voluntarily files an Answer.\**

**Official Service by Official Server method**

You have a good mailing address for your spouse and you can be sure your spouse will be the person who signs the green certified mail card and your spouse is not in jail, **THEN USE** →



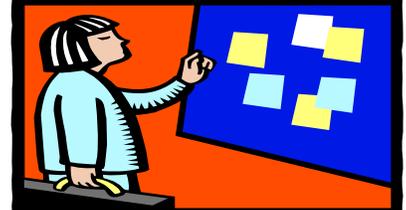
The server will mail the paperwork by certified mail, return receipt requested.

**Official Service by Mail method**

**If you don't know where your spouse lives, works, or can be found AND . . .**

You don't have children or valuable property **THEN USE** →

A server will post notice of your divorce at the courthouse for 7 days.



**Official Service by Posting method**

You have children or valuable property **THEN USE** →



If you serve by publication, your spouse has the right to an attorney and *you* would have to pay for the attorney's fees.

**Official Service By Publication method**

# Are you ready for court?

## Be prepared:

- ✓ Get to the courthouse early to find parking and your courtroom.
- ✓ When the courtroom opens, go in and tell the clerk you are present. The clerk usually sits next to the judge's bench.
- ✓ Most courtrooms do not allow children.

## When you are in court:

- ✓ Dress neatly. Do not wear shorts, tank tops, or hats. Do not chew gum, or bring food or drink into the courtroom.
- ✓ Turn off your cell phone.
- ✓ Stand up when the judge enters the courtroom.
- ✓ Be calm and polite to everyone. Avoid gestures and facial expressions.
- ✓ Do not talk to the judge or your spouse, unless it is your turn to speak.
- ✓ The judge may not call your case right away. Wait patiently. If you have to leave the courtroom, tell the clerk where you are going.
- ✓ If friends or relatives come to court with you, ask them to follow these rules, too.

### About testimony →

In some counties, the judge will ask you questions.

In other counties, you will be expected to have testimony prepared.

## The judge will call your case.

- ✓ You will raise your right hand and swear to tell the truth.
- ✓ The judge will ask you questions. Wait until the judge finishes speaking before you start to speak.
- ✓ If you do not understand a question, say, "I don't understand." If you do not know an answer, say, "I don't know."
- ✓ Tell the truth and don't exaggerate. Give complete answers.
- ✓ Speak slowly and loud enough so everyone in court can hear you.
- ✓ Call the judge "Your Honor."
- ✓ Say "Yes" or "No" out loud. It's not enough to nod or shake your head.
- ✓ The judge will listen to what you say and review your papers. If everything is in order, the judge will sign your *Final Decree of Divorce*.

### SAMPLE TESTIMONY FOR DIVORCE WITHOUT CHILDREN

My name is \_\_\_\_\_. I filed this suit for divorce from my spouse \_\_\_\_\_. (*State your spouse's name.*)

At the time I filed this divorce, I had lived in Texas for at least the last six (6) months, and in \_\_\_\_\_ County for at least ninety (90) days.

My marriage to \_\_\_\_\_ (*State your spouse's name*) \_\_\_\_\_ has become unworkable because of differences and misunderstandings between us. There is no reasonable chance that we will get back together.

There are no children born to or adopted of this marriage, who are under 18 years old and we are not currently expecting any other children.

I am requesting that the community property and debts be divided as set forth in the Decree of Divorce. I believe this division is fair.

(OPTIONAL) I am (or My spouse is) requesting a name change to the name that was used before we were married: \_\_\_\_\_ (*State the name used before marriage*)

I would respectfully request the Court to grant my divorce.

### SAMPLE TESTIMONY FOR DIVORCE WITH CHILDREN

My name is \_\_\_\_\_. I filed this suit for divorce from my spouse \_\_\_\_\_. (*State your spouse's name.*)

At the time I filed for divorce, I had lived in Texas for at least the last six (6) months, and in \_\_\_\_\_ County for at least ninety (90) days.

I am seeking a divorce because of differences and misunderstandings between us. There is no reasonable expectation that we will get back together.

I am requesting that the community property and our debts be divided as set forth in the Decree of Divorce. I believe this division is fair to both of us, and to our children.

We have \_\_\_ child(ren) of this marriage, who are under 18 years old. (*State the number of children you have with your spouse who are under 18 years old*) We are not expecting any other children of the marriage.

I am requesting that conservatorship and child support be ordered as set forth in the Decree of Divorce. I believe that these orders would be in the best interest of our child(ren).

(OPTIONAL)

I am (or My spouse is) requesting a name change to the name used before we were married: \_\_\_\_\_ (*State the name used before marriage*)

I would respectfully request the court to grant my divorce.

## Common Questions

### Is it difficult to handle a contested case without a lawyer?

Yes. The court rules are very hard to understand if you are not a lawyer. If you make a mistake, the judge may not be able to see your side of the case. A mistake can affect your children, your property, and your income. If at all possible you should hire a lawyer. If you cannot afford a lawyer, contact your local Legal Aid Office.

### Where can I read the laws about divorce?

You can read the Texas Family Code at <http://tlo2.tlc.state.tx.us/statutes/fa.toc.htm>.

You can the Texas Rules of Civil (court) Procedure at [www.supreme.courts.state.tx.us/rules/trcphome.asp](http://www.supreme.courts.state.tx.us/rules/trcphome.asp).

### How long will it take to get divorced?

It will take at least 61 days after the day you file your *Original Petition for Divorce*.

### When can I get married again?

You must wait at least **30 days** after the judge signs your *Decree of Divorce*.

*Exception:* There is no waiting period if you want to remarry the spouse you just divorced. If you want to marry some one else, you can ask the judge who signed your *Decree of Divorce* for permission to marry sooner than 30 days. This is called a *Waiver of the 30 Day Prohibition Against Remarriage*.

### Can I get divorced if I do not know where my spouse is?

Yes. But first, you must prove to the court that you have tried hard to find your spouse. Read about service by posting and publication at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

### What if I started my divorce in a different county?

You can finish your divorce in the county where you originally filed if you or your spouse had lived in that county for at least 90 days and Texas for at least 6 months at the time you filed your *Petition for Divorce*. If you want to have the case heard in the county where you are now living, talk to a lawyer.

---

## Terms to Know

---

**Petitioner:** The spouse who asks the court for a divorce by filing a Petition. Even if both spouses want the divorce, only one spouse can be the petitioner.

**Respondent** is the other spouse.

**Contested:** A divorce is contested when the spouses don't agree about getting the divorce, dividing property and debts, or what to do about child support and custody.

**Uncontested:** Either the divorce is *agreed* (both parties agree on all the issues) or *default* (the respondent does not file an Answer).

**Uncontested Docket** is the court that hears divorce cases when the case is either an agreed (uncontested) or a default divorce.

**Petition:** This is the form the petitioner files to ask the court for a divorce.

**Decree:** This is the form that the judge signs to grant the divorce. A divorce decree says who keeps what property and who pays what debts.

In a divorce involving children, a divorce decree says which parent pays child support and provides health insurance. The decree also says when the child can visit a parent and which parent makes certain decisions about the child.

A divorce decree can include other orders, such as spousal support.

**File:** Giving legal papers to the courthouse clerk. There is usually a fee to file a petition, have a citation issued, or to have copies made.

**Official Process Server:** A constable, sheriff, or private process server who delivers court papers and files notice that the delivery was made in the Clerk's Office. There is a fee for Official Process Service. If your spouse lives or is jailed in another county, learn who provides Official process Service in your spouse's county by asking the Clerk's Office of that county. Contact information for Texas clerk's offices can be found at <http://www.txlaw.org/clerks.html>.

## If my spouse and I do not own any property together, do we still have to fill out the property and debt sections on the Decree of Divorce form?

Yes. Anything you or your spouse purchased during your marriage, even if it was purchased after you separated, is community property. Any debts you or your spouse incurred during your marriage, even if they were incurred after you separated, are community debts. Answer each section carefully so you will be able to keep *any* property that belongs to you.

## If my spouse filed an Answer, but later agrees to sign the Decree of Divorce, can I still go to an Uncontested Docket?

Yes, if your spouse has signed the *Decree of Divorce*.

---

## How much will child support be?

In most cases, the court uses a special formula to calculate child support. This is called *Guideline* support. Usually, the supporting parent pays the following amounts to the parent with whom the children live most of the time.

For help calculating child support you can use the child support calculator at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

number of Children*	Percent of Supporting Parent's Income <i>After Taxes</i>
1 child	= 20%
2 children	= 25%
3 children	= 30%
4 children	= 35%
5 children	= 40%

### → \*Important Note:

The formula is different if the supporting parent also has children with someone else. Use the child support calculator at [www.TexasLawHelp.org](http://www.TexasLawHelp.org) or talk to a lawyer.

The Court can order a child support amount different from guideline support if the Court determines that amount to be in the best interest of the child.

## Where do I send my child support payments?

The State Disbursement Unit, P.O. Box 659791, San Antonio, Texas, 78265-9791.

## Can child support be paid directly to the other parent?

No. Unless the court orders otherwise, all child support payments must be sent to the State Disbursement Unit, P.O. Box 659791, San Antonio, Texas, 78265-9791.

## What if I already have court orders regarding my children?

If there is a final court order for the custody and support of your children and you are not asking to change that order, you can file your divorce using the ***Divorce No Children forms*** at [www.TexasLawHelp.org](http://www.TexasLawHelp.org). When you fill out your *Original Petition for Divorce* include information about your children and your current custody and support order. You must attach a copy of your current custody and support order to your *Decree of Divorce*.

If there is a final order for the custody and support of your children and you do want to change those orders talk to a lawyer



**There should be  
11 forms  
In this packet:**

### **Petition**

1. Original Petition for Divorce (8 Pages).
2. Exhibit: Out of State Party Affidavit (3 pages).

### **Respondent's Forms**

3. Waiver of Service (2 Pages).
4. Answer (2 Pages).

### **Final Decree**

5. Final Decree of Divorce (8 Pages).

### **Parenting Plan Exhibits**

6. Exhibit Conservatorship (Custody), Rights and Duties Order (3 Pages).
7. Exhibit Possession and Access (Visitation) Order (6 Pages).
8. Exhibit Child Support Order (3 Pages).
9. Exhibit Medical Support Order (3 Pages).
10. Exhibit Family Information (3 Pages).
11. Employer's Order to Withhold Earnings for Child Support (3 Pages).

Cause Number: \_\_\_\_\_  
(The Clerk's office will fill in the Cause Number and Court Number when you file this form.)

**IN THE MATTER OF THE MARRIAGE OF**

Petitioner: \_\_\_\_\_  
*Print first, middle and last name of the spouse filing for divorce.*

In the \_\_\_\_\_  
*(Court Number)*

And

District Court  County Court of:

Respondent: \_\_\_\_\_  
*Print first, middle and last name of other spouse.*

\_\_\_\_\_ County, Texas

**AND IN THE INTEREST OF:** *(List children of this marriage who are under 18):*

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_  
4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_

**Original Petition for Divorce**

*Print your answers.*

**Parties**

My name is: \_\_\_\_\_  
*First Middle Last*

I am the **Petitioner**. I am filing this Petition for Divorce.

The last three numbers of my driver's license number are: \_\_\_\_ \_\_\_\_ \_\_\_\_\_. My driver's license was issued in *(State)* \_\_\_\_\_.  
**or**  I do not have a driver's license number.

The last three numbers of my social security number are: \_\_\_\_ \_\_\_\_ \_\_\_\_\_.  
**or**  I do not have a social security number

My spouse's name is: \_\_\_\_\_  
*First Middle Last*

My spouse is the **Respondent**.

**1. Discovery**

The discovery level in this case, if needed, is Level 2.

**2. Jurisdiction**

**County of Residence**

*(Check all boxes that apply.)*

- I have lived in this county for the last 90 days.  
 My spouse has lived in this county for the last 90 days.

**You cannot file this form until** you or your spouse have lived in the county where you are asking for a divorce for the last 90 days, and in Texas for the last six months.

**State of Residence**

(Check all boxes that apply.)

- I have lived in Texas for the last six months.
- My spouse has lived in Texas for the last six months.

**Out-of-State Respondent**

(Check all boxes that apply.)

- My spouse does not live in Texas, **and**
  - My spouse agrees that a Texas court can make orders dividing our property and orders for custody and support of our children.
  - Texas is the last state where we lived together as a married couple. This petition is filed less than two years after we separated.
  - The children live in Texas because of my spouse's actions.
  - My spouse has lived in Texas with the children.
  - My spouse has lived in Texas and provided prenatal expenses or support for the children.
  - My spouse had sexual intercourse in Texas, and the children may have been conceived by that act of intercourse.
  - Our child was born in Texas and my spouse registered with the paternity registry maintained by the bureau of vital statistics or signed an acknowledgment of paternity.
  - My spouse will be personally served with citation in Texas.

**Note:** If your spouse does NOT live in Texas, you must complete and attach the Exhibit: Out-of-State Party Affidavit.

**Waiver of Waiting Period Based on Family Violence**

(Check only if applicable.)

- I ask the Court to waive the 60 day waiting period for divorce because: (Check one box.)
  - My spouse has been convicted of or received deferred adjudication for a crime involving family violence against me or a member of my household.
  - I have an active protective order or an active magistrate's order for emergency protection against my spouse because of family violence during our marriage. The order includes a finding that my spouse committed family violence.

**3. Marriage, Separation, and Grounds for Divorce**

My spouse and I got married on or about: \_\_\_\_\_  
Month Day Year

We stopped living together as spouses on or about: \_\_\_\_\_  
Month Day Year

I ask the Court to grant me a divorce.

The marriage has become insupportable due to discord or conflict of personalities that destroys the legitimate ends of the marital relationship and prevents any reasonable expectation of reconciliation. (This means that you and your spouse do not get along and do not plan to get back together.)

## 4. Children

### A. Children you and your spouse have together –

List all adopted and biological children of this marriage who are under 18.

If you have a disabled child, talk to an attorney to see if child support should continue after the child turns 18.

	Child's name	Date of Birth	County and State where child resides now
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____

### B. Adult Disabled Children

(Check one box.)

- My spouse and I **do not** have any disabled children over 18.
- My spouse and I **do** have a disabled child over 18.

**Note:** If you have a disabled child, talk to a lawyer before filing this form. You or your spouse may be entitled to receive child support, even after the child becomes an adult.

### C. Pregnancy

(Check one box.)

- The wife in this marriage **is not** pregnant.
- The wife in this marriage **is** pregnant.

(If pregnant, also check one box below.)

- The husband **is** the father of this child.
- The husband **is not** the father of this child.

**Important:** If the wife is pregnant and the husband is **not** the biological father of the child, paternity of the child must be established before you can finish your divorce. See Texas Family Code Section 160.204.

Paternity may be established by:

- filing, with the court, a case to *Adjudicate Parentage*, **or**
- filing, with the bureau of vital statistics, an *Acknowledgement of Paternity* signed by the genetic father and a *Denial of Paternity* signed by the husband.

The Office of the Attorney General may be able to help establish paternity of the child.

Get more information about establishing paternity at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

If the wife is pregnant and the husband **is** the biological father of the child, you must wait until the child is born to finish your divorce.

**D. Court Orders involving children  
you and your spouse have together**

(Check one box.)

- There are **no** court orders in effect now for any of the children listed above.
- There **is** a court order in effect now for at least one, but NOT ALL of the children listed above.

Child(ren) included in order: \_\_\_\_\_

County/State where order was made: \_\_\_\_\_

Date of order: \_\_\_\_\_ Cause #: \_\_\_\_\_

Name of order: \_\_\_\_\_

- There **is** a court order in effect now for ALL of the children listed above.

County/State where order was made: \_\_\_\_\_

Date of order: \_\_\_\_\_ Cause #: \_\_\_\_\_

Name of court order in effect now: \_\_\_\_\_

The court order in effect now is:  temporary  final.

I ask the court to make the following changes to this order: (Note: The court cannot change an order made in a different county, unless the case is transferred to the county where you file for divorce.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Note:** Do not use this form if you have a **final** court order for custody and support of all the children and you are NOT asking the court to make any changes to the order. Use the *Petition for Divorce – No Children* form instead.

If the court order in effect now: 1) does not include all your children, 2) is temporary, or 3) you are asking the court to make changes to the order, talk to a lawyer before you file this form.

**E. Custody, Visitation, and Child Support**

My spouse and I will try to make an agreement about custody, visitation, and support. If we cannot make an agreement, I ask the court to make decisions on these issues that are best for our children, including, if applicable, orders for current and retroactive child support and medical support.

**F. Children's Health Insurance**

The children  do  do not have private health insurance in effect.

**Private Health Insurance is in effect:** (Complete, if the children have private health insurance.)

Name of insurance company: \_\_\_\_\_

Policy number: \_\_\_\_\_

Cost of premium: \$ \_\_\_\_\_

Name of person who pays for insurance: \_\_\_\_\_

The insurance policy  is  is not available through the parent's work.

**Private Health Insurance NOT in effect:** (Complete, if the children do NOT have private health insurance.)

The children  do  do not receive medical assistance through CHIPS or Medicaid.

Cost of premium (if any): \_\_\_\_\_

Health insurance  is  is not available to the person who pays child support at a reasonable cost.

**G. Children's property**

(Check one box.)

- The children do not own any property.
- The children own the following property: \_\_\_\_\_

**H. Children born during the marriage, but husband is not the father**

(Check one box and fill in the requested information, if applicable.)

- The wife **did not** have children with another man while married to the husband.
- The wife **did** have children with another man while married to the husband.

All of the children born during the marriage that are not the husband's adopted or biological children are named below:

	Child's name	Age	Date of Birth	Sex
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

If more than 6 children, list them on another sheet and write Attachment B at the top. Then attach it to this form.

(Check one box.)

- Paternity of the children named above **has not** been established. I understand that paternity of the children must be established before I can finish my divorce.
- Paternity of the children named above **has** been established: (Check one box.)
  - A court order has determined the father of each child named above. I understand I must attach a file-stamped copy of the order to my Final Decree of Divorce.
  - An *Acknowledgement of Paternity* signed by the genetic father and a *Denial of Paternity* signed by the Husband has been filed with the bureau of vital statistics for each child named above. I understand I must attach a copy of these documents to my Final Decree of Divorce.

**Important:** If the wife had children with another man while married to the husband, paternity of the children must be established before you can finish your divorce. See *Texas Family Code Section 160.204*.

Paternity may be established by:

- filing, with the court, a case to *Adjudicate Parentage*, **or**
- filing, with the bureau of vital statistics, an *Acknowledgement of Paternity* signed by the genetic father and a *Denial of Paternity* signed by the husband.

The Office of the Attorney General may be able to help establish paternity of the children.

Get more information about establishing paternity at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

## 5. Property

### Community Property

My spouse and I will try to make an agreement about how to divide our community property and debts. If we cannot agree, I ask the Court to divide our property and debts according to Texas law.

### Separate Property

List all property that you owned before you were married, including real estate, and all gifts, inheritance, or money damages you received from a lawsuit during your marriage, if the money was not compensation for lost wages.

1. House located at: \_\_\_\_\_.  
*street address city state zip*

2. Land located at: \_\_\_\_\_.  
*street address city state zip*

3. Cars, trucks, motorcycles or other vehicles

Year	Make	Model	Vehicle Identification No. [VIN]
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Inheritance, gifts, or money from a lawsuit (not for lost wages) given only to you (*describe*):

\_\_\_\_\_  
\_\_\_\_\_

5. Other property that you owned before you were married (*describe*):

\_\_\_\_\_  
\_\_\_\_\_

I ask the Court to confirm this property as my separate property in my Final Decree of Divorce.

## 6. Protective Order

**Note:** You MUST attach a copy of **any** protective order issued for you against your spouse **or** issued for your spouse against you, no matter when the protective order was issued.

### Protective Order Against my SPOUSE

(Check one box and fill in the requested information, if applicable.)

I **do not** have a Protective Order against my spouse and I have not asked for one.

I **have** filed paperwork at the courthouse asking for a Protective Order against my spouse, but a judge has not decided if I should get it. I asked for a Protective Order on \_\_\_\_\_ in \_\_\_\_\_ County. The case number is \_\_\_\_\_.  
*Date Filed Name of County*

I **do have** a Protective Order against my spouse. I got the Protective Order on \_\_\_\_\_ in \_\_\_\_\_ County, \_\_\_\_\_.  
*Date Ordered Name of County Name of State*

The case number for the Protective Order is \_\_\_\_\_.

## Protective Order Against ME

(Check one box and fill in the requested information if applicable.)

- My spouse **does not** have a Protective Order against me and has not asked for one.
- My spouse **has** filed paperwork asking to get a Protective Order against me, but a judge has not decided if my spouse will get it. My spouse asked for a Protective Order on \_\_\_\_\_ in \_\_\_\_\_ County. The case number is \_\_\_\_\_.  
*Date Filed*                      *Name of County*
- My spouse **does have** a Protective Order against me. The Order was made in \_\_\_\_\_ County, \_\_\_\_\_ on \_\_\_\_\_.  
*Name of County*                      *Name of State*                      *Date Ordered*
- The case number for the Protective Order is \_\_\_\_\_.

## 7. Family Information

(Check one box.)

- I will fill out and file the Family Information form when I file the Final Decree of Divorce, as required by Texas Family Code Section 105.006.
- I believe my children or I will be harassed, abused, seriously harmed, or injured if I am required to give my spouse the information checked below for myself and the children:

(Check the boxes below to tell the judge which information you want to be kept confidential.)

- home address,  mailing address,  employer,  work address,  
 home phone #,  work phone #,  social security #,  driver's license #.

I ask the Court to Order that I not have to give this information or notice of changes in this information to my spouse. I also ask the Court to keep this information confidential.

**Note:** Ask the Court to sign the *Order on Request to Keep Family Information Confidential* form when you go to court. Find this form at [www.FreeTexasForms.org](http://www.FreeTexasForms.org) in the Divorce in Texas with Children section.

## 8. Name Change

I ask the Court to change my name back to a name I had before my marriage:

\_\_\_\_\_  
*PRINT First*                                      *Middle*                                      *Last*

## 9. Notice to My Spouse

Your spouse has the legal right to be notified that you have filed for divorce.

(Check one box.)

- I will have a sheriff, constable, or process server give a copy of this Petition to my spouse here:

\_\_\_\_\_  
*Street Address*                      *City*                      *State*                      *Zip*

If this is a work address, name of business: \_\_\_\_\_

I ask the clerk to issue citation. I understand that I will need to **pay the fee** (or file the form to show the Court that I am unable to pay the fee) and **arrange for service** by a sheriff, constable or process server.

- Do not send a sheriff, constable, or process server to give a copy of this Petition to my spouse, at this time. I think my spouse will sign a Waiver of Service, or file an Answer.

**10. Prayer**

I ask the Court to grant me a divorce and make the other orders I have asked for in this Petition and any other orders I am entitled to.

I ask the court for general relief.

_____	( )
<i>Petitioner's Name (print)</i>	<i>Phone number</i>
→ _____	_____
<i>Petitioner's Signature</i>	<i>Date</i>
<i>Petitioner's Mailing Address:</i>	_____
	_____
	<i>city state zip</i>

**I understand that I must let the Court, my spouse, and my spouse's attorney (if my spouse has an attorney) know in writing if my mailing address or phone number changes during this case.**



**2nd Child's Name:** \_\_\_\_\_

Check here if this child has always lived with the 1st child and skip to next question.

Present Address: \_\_\_\_\_

Child now lives with  Mother  Father  Other: (explain) \_\_\_\_\_

When did this child start living at this address? (Month, day, year) \_\_\_\_\_

(You must list every address for the last 5 years. Start with the most recent.)

**1<sup>st</sup> past address** \_\_\_\_\_ From: \_\_\_ / \_\_\_ / \_\_\_ To: \_\_\_ / \_\_\_ / \_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**2<sup>nd</sup> past address** \_\_\_\_\_ From: \_\_\_ / \_\_\_ / \_\_\_ To: \_\_\_ / \_\_\_ / \_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**3<sup>rd</sup> past address** \_\_\_\_\_ From: \_\_\_ / \_\_\_ / \_\_\_ To: \_\_\_ / \_\_\_ / \_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**4<sup>th</sup> past address** \_\_\_\_\_ From: \_\_\_ / \_\_\_ / \_\_\_ To: \_\_\_ / \_\_\_ / \_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**3<sup>rd</sup> Child's Name:** \_\_\_\_\_

Check here if this child has always lived with the 1st child and skip to next question.

Present Address: \_\_\_\_\_

Child now lives with  Mother  Father  Other: (explain) \_\_\_\_\_

When did this child start living at this address? (Month, day, year) \_\_\_\_\_

(You must list every address for the last 5 years. Start with the most recent.)

**1<sup>st</sup> past address** \_\_\_\_\_ From: \_\_\_ / \_\_\_ / \_\_\_ To: \_\_\_ / \_\_\_ / \_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**2<sup>nd</sup> past address** \_\_\_\_\_ From: \_\_\_ / \_\_\_ / \_\_\_ To: \_\_\_ / \_\_\_ / \_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**3<sup>rd</sup> past address** \_\_\_\_\_ From: \_\_\_ / \_\_\_ / \_\_\_ To: \_\_\_ / \_\_\_ / \_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**4<sup>th</sup> past address** \_\_\_\_\_ From: \_\_\_ / \_\_\_ / \_\_\_ To: \_\_\_ / \_\_\_ / \_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**If there are more than 3 children, make a copy of this page for each child and attach it to this form.**

**3. Other Court Cases**

Have you taken part in any other court case about any of these children, in Texas or in any other state or country?  Yes  No

Do you know of any other court case that could affect this case, including custody, visitation, child support, civil or criminal cases for domestic violence, protective orders, termination of parental rights, adoptions and enforcement cases?  Yes  No

If you answered Yes for either of the above questions, complete the following:

County, State and Country of Court Case	Case #	Type of case
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Warning:** You must tell the court if you later find out about a court case about these children, in Texas or in any other state or country.

**4. Other People Who Claim Custody or Visitation**

“Do you know of any other person who has physical possession of the children or claims the right to legal or physical custody or visitation with the children?  Yes  No

If **Yes**, complete the following for each person.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to child: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to child: \_\_\_\_\_

**Do not sign until you are in front of a notary.**



\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Notary fills out below.**

State of Texas,  
County of \_\_\_\_\_  
(Print the name of county where this statement is notarized)

Sworn to and subscribed before me, the undersigned authority, on this date: \_\_\_\_\_

By (Print name of person who is signing this affidavit.): \_\_\_\_\_

(Notary's seal here)



\_\_\_\_\_  
Notary's Signature



"I understand that I have the right to be given a copy of the *Petition for Divorce* and official notice of this case by a constable, sheriff or other official process server. This process is called *issuance and service of citation*. I do not want to be given official notice. I give up my right to *issuance and service of citation* in this case and enter my appearance in this case for all purposes.

"I also give up my right to be notified of any and all hearings in this case.

"I agree that a Judge or Associate Judge in the county and state where this case is filed may make decisions about my divorce, even if the divorce should have been filed in another county. I do not want a court reporter to make a record of the testimony in this case.

"I understand that I must let the Court, my spouse and my spouse's attorney(if my spouse has an attorney) know in writing if my mailing address or phone number changes during this case

"If I am in the military, I waive all rights, privileges, and exemptions I may have under the Servicemembers Civil Relief Act in this case, including having a lawyer appointed to represent me.

**"I agree that the judge may make decisions about my divorce without further notice to me."**

*(Check only one):*

I am NOT asking the court to change my name."

I ask the Court to change my name back to a name I had before my marriage:

\_\_\_\_\_.  
First Middle Last

**Do not sign until you are in front of a Notary**

▶ \_\_\_\_\_  
Respondent's signature

**Notary fills out below**

State of Texas, County of \_\_\_\_\_  
*(Print the name of county where this affidavit is notarized.)*

Sworn to and subscribed before me, the undersigned Notary, on this date: \_\_\_\_\_

by \_\_\_\_\_  
*(Print the first and last names of the Respondent who is signing this affidavit.)*

I, the Notary Public, who signature appears below, certify that I am not an attorney in this case.

*(Notary's seal here)*

→ \_\_\_\_\_  
Notary's signature

**WARNING:** Without the advice and help of an attorney, you may be putting yourself, your children, your property, and your money at risk. Call your local lawyer referral service or the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690 for help finding a lawyer. If you or your child is a victim of domestic violence, you can get legal help by calling 1-800-374-4673.

**WARNING:** Filing an *Answer* with the Court enters your appearance in this case. Talk to a lawyer before filing an *Answer* if you **1) do not live in Texas** and **2) do not agree** that a Texas court should have the power to make orders that impose a personal obligation on you. Such orders could include orders dividing your property and debts, ordering you to pay child support, and (if requested by the Petitioner) ordering you to pay spousal maintenance, court costs and attorney fees. If you file an *Answer* (or any other pleading) before filing a *Special Appearance*, you will give up your right to argue that Texas lacks the power to make such orders because you live out-of-state. Call the State Bar of Texas Lawyer Referral Information Service at 1(800) 252-9690 for help finding a Texas lawyer.

(Print court information exactly as it appears on the Petition for Divorce)

Cause Number: \_\_\_\_\_

**IN THE MATTER OF THE MARRIAGE OF**

Petitioner: \_\_\_\_\_  
(Print first, middle and last name of the spouse filing for divorce.)

In the \_\_\_\_\_  
(Court Number)

And

District Court  County Court at Law

Respondent: \_\_\_\_\_ County, Texas  
(Print first, middle and last name of other spouse.)

Names of the children who are under 18 or still in high school:

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_  
4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_

**Respondent's Answer to Divorce**

Print your answers.

My name is: \_\_\_\_\_  
First Middle Last

I am the **Respondent** in this divorce case

The last three numbers of my driver's license number are: \_\_\_\_ \_\_\_\_ \_\_\_\_ . My driver's license was issued in (State) \_\_\_\_\_ .  
or  I do not have a driver's license number.

The last three numbers of my social security number are: \_\_\_\_ \_\_\_\_ \_\_\_\_ .  
or  I do not have a social security number

**1. General Denial**

I enter a general denial. I want to be notified of all hearings in this case.

However, if my spouse (the Petitioner) and I reach an agreement I will sign the *Final Decree of Divorce*. If I sign the *Final Decree of Divorce*, then I agree that the Court can finalize this case without my getting notice of the hearing and without my coming to Court.

**2. Contact Information**

My mailing address is: \_\_\_\_\_  
Print Mailing Address City State Zip

My phone number is: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_.

I understand I *must* notify the Court and Petitioner or Petitioner’s attorney (if Petitioner has an attorney) in writing if my mailing address or phone number changes during this case. I understand that unless I give the Court and Petitioner or Petitioner’s attorney (if Petitioner has an attorney) written notice of changes in my mailing address, all information about this case, including the date and time of hearings, will be sent to me at the address on this form.

**3. Name Change**

(Check one.)

- I am NOT asking the court to change my name.
- I ask the Court to change my name back to a name I used before:

\_\_\_\_\_  
PRINT First Middle Last

I am not asking the court to change my name to avoid criminal prosecution or to avoid payment of debt.

**4. Prayer**

I ask the Court to grant me a divorce. I also ask the Court to make the other orders I have asked for in this *Answer* and any other orders to which I am entitled.

→ \_\_\_\_\_  
Respondent’s Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent’s Printed Name

(\_\_\_\_) \_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Respondent’s Mailing Address

\_\_\_\_\_  
City State Zip

**5. Certificate of Service**

I swear that I gave a true copy of this document to Petitioner or Petitioner’s attorney (if Petitioner has an attorney) in person, by fax, or by certified mail, return receipt requested.

→ \_\_\_\_\_  
Respondent’s signature

\_\_\_\_\_  
Date

(Print court information exactly as it appears on your Petition)

Cause Number: \_\_\_\_\_

**IN THE MATTER OF THE MARRIAGE OF**

Petitioner: \_\_\_\_\_  
*Print first, middle and last name of the spouse filing for divorce.*

In the \_\_\_\_\_  
*Court Number*

And

District Court  County Court of:

Respondent: \_\_\_\_\_  
*Print first, middle and last name of other spouse.*

\_\_\_\_\_ County, Texas

**AND IN THE INTEREST OF:** *(List children of this marriage who are under 18):*

- 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_
- 4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_

**Final Decree of Divorce**

A hearing took place today, and the following people were present. There was no jury as neither the husband nor wife asked for one.

**1. Appearances**

***Petitioner***

The Petitioner's name is: \_\_\_\_\_  
*First Middle Last*

The Petitioner represented him/herself and is the *(check one)*:  Husband.  Wife.

*(Check one box.)*

- The Petitioner **was present**, representing him/herself, and has agreed to the terms of this Decree of Divorce.
- The Petitioner **was not present** but has signed below, agreeing to the terms of this Decree.

***Respondent***

The Respondent's name is: \_\_\_\_\_  
*First Middle Last*

The Respondent is the *(check one)*:  Husband.  Wife.

*(Check one box.)*

- The Respondent **was present**, representing him/herself, and agrees to the terms in this Decree.
- The Respondent **was not present** but was served, filed an Answer, or signed a Waiver of Citation, and:

*(Check all that apply.)*

- has signed below, agreeing to the terms in this Decree.
- agreed in the Waiver that the judge can finalize the divorce, without giving the Respondent notice of this hearing.
- has defaulted. The Petitioner has filed a Certificate of Last Known Address and an Affidavit of Non-Military Status. The Petitioner has also arranged for a court reporter to record the hearing.

## 2. Record

(Check one box.)

- A Court reporter recorded today's hearing.
- A Court reporter did not record today's hearing because the Husband, Wife, and judge agreed not to make a record.
- A Statement of the Evidence was signed by the Court.

## 3. Jurisdiction

The Court heard evidence and finds that it has jurisdiction over this case and the parties, that the residency and notice requirements have been met, and the *Petition* meets all legal requirements.

The Court finds that::

(Check one box.)

- the *Petition* was filed more than 60 days ago.
- Petitioner has an active Protective Order under Title 4 of the Texas Family Code, or an active magistrate's order for emergency protection under Article 17.292 of the Texas Code of Criminal Procedure against the Respondent because the Respondent committed family violence during the marriage.
- Respondent has a final conviction or has received deferred adjudication for a crime involving family violence against the Petitioner or a member of Petitioner's household.

## 4. Children

**Remember:** If you have a disabled child or an adult disabled child, talk to a lawyer before you finish your divorce. You or your spouse may be entitled to child support even after the child becomes an adult.

### A. Children of the Marriage

The Court finds that the Husband and Wife are the parents of the children listed below, and that there are no other children of this marriage expected or entitled to receive support.

(List all adopted and biological children of this marriage who are under 18.)

	Child's name	Sex	Date of Birth	State where child lives now
1	_____	_____	_____	_____
2	_____	_____	_____	_____
3	_____	_____	_____	_____
4	_____	_____	_____	_____
5	_____	_____	_____	_____
6	_____	_____	_____	_____

(If more than 6 children, list them on another sheet and write Attachment A at the top. Attach it to this form.)

### B. Pregnancy

The Court finds that the Wife is **not** pregnant.

**Remember:** You cannot finish your divorce while the wife is pregnant.

**C. Children Born during the Marriage, but the Husband is Not the Father**

(Check one box.)

- The Court finds that the Wife **did not** have children with another man while married to the Husband.
- The Court finds that the children named below were born during the marriage, but are UUnot the Husband's children.

The Court further finds that paternity of each child **has been** established:

(Check one box.)

- A court order has determined the father of each of child named below. A copy of the order is attached to and made part of this Final Decree of Divorce for all purposes.
- An *Acknowledgement of Paternity* signed by the genetic father and a *Denial of Paternity* signed by the Husband has been filed with the bureau of vital statistics for each child named below. A copy of this document, or documents, is attached to and is made part of this Final Decree of Divorce for all purposes.

(List all children born during the marriage, who are not the adopted or biological children of the husband.)

(Paternity of each child must already have been established.)

	Child's name	Age	Date of Birth	Sex
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

If more than 6 children, list them on another sheet and write Attachment B at the top. Then attach it to this form.

**Remember:** If the wife had children with another man while married to the husband, you cannot finish your divorce until paternity of the children is established. See Texas Family Code Section 160.204. Get more information about establishing paternity at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

**5. Divorce**

IT IS ORDERED that the Petitioner and the Respondent are divorced on the grounds of insupportability.

**6. Parenting Plan**

The Court FINDS that the orders found in the attached Parenting Plan Exhibits are in the best interest of the children, and makes the following orders regarding custody, visitation, child support, and health insurance, as included in this section and the attached Parenting Plan Exhibits.

**Note! You must include a Parenting Plan with this Decree of Divorce, as required by Texas Family Code, Section 153.603. Complete and attach the following Parenting Plan Exhibits to this Decree of Divorce.**

**Parenting Plan Exhibits**

The following Exhibits are attached to this Decree of Divorce and are made a part of this Decree for all purposes.

- Exhibit: Conservatorship (Custody) Order
- Exhibit: Rights and Duties Order
- Exhibit: Possession and Access (Visitation) Order
- Exhibit: Child Support Order
- Exhibit: Medical Support Order
- Exhibit: Family Information

## 7. Property And Debts

**Note:** Additional forms are needed to divide retirement benefits and to transfer title to real estate.

If you plan to divide retirement benefits or you jointly own a house or land with your spouse, do NOT use this form without first talking to a lawyer.

You can hire a lawyer just to give you advice and/or draft the documents you need for a flat fee. Call your local lawyer referral service or the State Bar of Texas Lawyer Referral Information Service at 1(800) 252-9690 for help finding a lawyer.

Texas is a community property state. This means that any new property or debt that either party obtains from the minute they are married until the minute the judge grants the divorce is community property, even if the property or debt is only in one spouse's name.

All community property and debt should be included in the Final Decree of Divorce. There are a few exceptions to the law of community property. If either party receives a gift, an inheritance, or money from a lawsuit that does not compensate for lost wages, it is separate property. It is a good idea to confirm separate property obtained during the marriage as that individual's separate property in the Final Decree of Divorce. More information about community and separate property can be found in the Texas Family Code, chapters 3,4, and 5.

The Court makes the following orders regarding the parties' community and separate property:

### ***Husband's Property***

#### **Husband's Separate Property**

The Court confirms that the Husband owns the following property as his separate property:

1. **House** located \_\_\_\_\_  
*Street Address* *City* *State* *Zip*

- Husband owned this house before marriage.  
 Husband received this house as a gift or inheritance.

2. **Land** located at: \_\_\_\_\_  
*Street Address* *City* *State* *Zip*

- Husband owned this land before marriage.  
 Husband received this land as a gift or inheritance.

#### **3. Cars, trucks, motorcycles or other vehicles**

Husband owned these vehicles before marriage or received them as a gift or inheritance during the marriage:

Year	Make	Model	Vehicle Identification No. [VIN]
------	------	-------	----------------------------------

_____	_____	_____	_____
_____	_____	_____	_____

#### **4. Other Money or Property**

Husband owned the following money or property *before* the marriage or inherited or received it as a gift during the marriage.

\_\_\_\_\_

Husband received the following money from a lawsuit during the marriage. This money was not compensation for lost wages.

\_\_\_\_\_

\_\_\_\_\_

**Husband's Community Property**

The Court ORDERS that the Husband is awarded (*gets*) the following Community Property, and the Wife is divested of (*doesn't get*) any interest, title or claim she may have to the property listed below.

Wife IS ORDERED to sign any deeds or documents needed to transfer any property listed below to the Husband. Husband is responsible for preparing the documents.

1. All property in Husband's care, custody or control, or in Husband's name, that this Order does not give to the Wife.

2. House or land located at:

\_\_\_\_\_ *Street Address* \_\_\_\_\_ *City* \_\_\_\_\_ *State* \_\_\_\_\_ *Zip*

Legal Description: \_\_\_\_\_

3. Other real property located at:

\_\_\_\_\_ *Street Address* \_\_\_\_\_ *City* \_\_\_\_\_ *State* \_\_\_\_\_ *Zip*

Legal Description: \_\_\_\_\_

*(Check ALL that apply.)*

- 4.  All of the Husband's employment benefits, including retirement, pension, 401(k), profit-sharing, and stock option plans that are in his name alone, along with all individual retirement accounts, such as IRAs that are in his name alone. *(Note: If you want to divide retirement or employment benefits do NOT use this form. You will need additional forms. Talk to an attorney.)*
- 5.  All cash and money in any bank or other financial institution listed in Husband's name ALONE.
- 6.  Any insurance policy that covers the Husband's life.
- 7.  The Husband's cars, trucks, motorcycles or other vehicles listed below

Year	Make	Model	Vehicle Identification No. [VIN]
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

8.  The Husband will also keep the property listed below: \_\_\_\_\_

**Husband's Debts**

*(Check all that apply.)*

The Husband shall pay the debts listed below:

- 1.  All taxes, bills, liens, and other charges, present and future, for all personal and real property that are in the Husband's name alone or that this Order gives to the Husband alone, unless this Order requires otherwise.
- 2.  Any debt Husband incurred after separation. Date of separation: \_\_\_\_\_  
*Month Day Year*
- 3.  The balance due on any loan or mortgage for the real property that this Order gives to the Husband alone.
- 4.  The balance due on any loan for any vehicles that this Order gives to the Husband alone.
- 5.  All other debts listed below, which are not in Husband's name alone, such as credit cards, student loans, medical bills, income taxes: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Wife's Property**

**Wife's Separate Property**

The Court confirms that Wife owns the following property as her separate property:

1. **House** located \_\_\_\_\_  
*Street Address City State Zip*

- Wife owned this house before marriage.
- Wife received this house as a gift or inheritance.

2. **Land** located at: \_\_\_\_\_  
*Street Address City State Zip*

- Wife owned this land before marriage.
- Wife received this land as a gift or inheritance.

3. **Cars, trucks, motorcycles or other vehicles**

Wife owned these vehicles before the marriage or received them as a gift or inheritance during the marriage:

Year	Make	Model	Vehicle Identification No. [VIN]
_____	_____	_____	_____
_____	_____	_____	_____

4. **Other Money or Property**

Wife owned the following money or property *before* the marriage or inherited or received it as a gift during the marriage.

\_\_\_\_\_

Wife received the following money from a lawsuit during the marriage. This money was not compensation for lost wages.

\_\_\_\_\_

**Wife's Community Property**

The Court ORDERS that Wife is awarded (*gets*) the following Community Property, and Husband is divested of (*doesn't get*) any interest, title, or claim he may have to the property listed below.

Husband IS ORDERED to sign any deeds or documents needed to transfer any property listed below to the Wife. Wife is responsible for preparing the documents.

1. All property in Wife's care, custody, or control, or in Wife's name, that this Order does not give to the Husband.

2. House or land located at: \_\_\_\_\_  
*Street Address City State Zip*

Legal Description: \_\_\_\_\_

3. Other real property located at: \_\_\_\_\_  
*Street Address City State Zip*

Legal Description: \_\_\_\_\_

**Wife's Community Property (continued)**

*(Check all that apply.)*

- 4.  All of the Wife's employment benefits, including retirement, pension, 401(k), profit-sharing, and stock option plans that are in her name alone, along with all individual retirement accounts, such as IRAs that are in her name alone. *(Note: If you want to divide retirement or employment benefits do NOT use this form. You will need additional forms. Talk to an attorney.)*
- 5.  All of the Wife's cash and money in any bank or other financial institution that is listed in her name ALONE.
- 6.  Any insurance policy that covers the Wife's life.
- 7.  The Wife's cars, trucks, motorcycles or other vehicles listed below:

Year	Make	Model	Vehicle Identification No. [VIN]
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- 8.  The Wife will also keep the property listed below: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Wife's Debts**

*(Check all that apply.)*

The Wife shall pay the debts listed below:

- 1.  All taxes, bills, liens, and other charges, present and future, for all personal and real property that are in the Wife's name alone or that this Order gives to the Wife alone, unless this Order requires otherwise.
- 2.  Any debt Wife incurred after separation. Date of separation: \_\_\_\_\_  
*Month Day Year*
- 3.  The balance due on any loan or mortgage for the real property that this Order gives to the Wife alone.
- 4.  The balance due on any loan for any vehicles that this Order gives to the Wife alone.
- 5.  All other debts listed below, which are not in Wife's name alone, such as credit cards, student loans, medical bills, income taxes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**8. Name Change**

The Court ORDERS the name of the:

*(Check all boxes that apply.)*

- Husband changed back to a name used before marriage, as it appears below.

\_\_\_\_\_

*First Middle Last*

- Wife changed back to a name used before marriage, as it appears below.

\_\_\_\_\_

*First Middle Last*

**9. Court Costs**

The Husband will pay for his court costs; the Wife will pay for her court costs.

**10. Other Orders**

The court has the right to make other orders, if needed, to clarify or enforce the orders above.

Any orders requested that do not appear above are denied.



\_\_\_\_\_ *Date of Judgment*

\_\_\_\_\_ *Judge's signature*

**Approved as to Form and Substance:**

By signing below, the Petitioner agrees to the form and substance of this decree.

By signing below, the Respondent agrees to the form and substance of this decree.

\_\_\_\_\_ ( )  
*Petitioner's Name (print)*      *Phone number*

\_\_\_\_\_ ( )  
*Respondent's Name (print)*      *Phone number*

→ \_\_\_\_\_  
*Petitioner's Signature*      *Date*

→ \_\_\_\_\_  
*Respondent's Signature*      *Date*

*Mailing Address:* \_\_\_\_\_  
\_\_\_\_\_

*Mailing Address* \_\_\_\_\_  
\_\_\_\_\_

## Exhibit: Conservatorship (Custody), Rights and Duties Order

The Court makes the following orders:

### 1. Conservatorship (Custody) and Primary Home

The Court ORDERS that the parties in this case are (*check one*):

- Joint Managing Conservators, One Party Chooses Child's Primary Home, Geographic Limit on Child's Primary Home:**

Both parties share legal custody. One party decides where the child's primary home is located. There is a geographic limit on the location of the child's primary home.

The party who has the exclusive right to decide where the child's primary home is located is: \_\_\_\_\_

*(Print the name of the parent who has the exclusive right to decide where the child's home is located.)*

There is a geographic limit on the location of the child's primary residence. The child's primary home will be located: (*Check one*)

- in this county.                       in this county or in counties adjacent to this county.  
 in Texas.                               other \_\_\_\_\_.

OR

- Joint Managing Conservators, One Party Chooses Child's Primary Home, No Geographic Limit on Child's Primary Home:**

Both parties share legal custody. One party decides where the child's primary home is located. There is no geographic limit on the location of the child's primary home.

The party who has the exclusive right to decide where the child's primary home is located is:

\_\_\_\_\_  
*(Print the name of the parent who has the exclusive right to decide where the child's home is located.)*

OR

- Separate Conservators, One Party Chooses Child's Primary Home, No Geographic Limit on Child's Primary Home:**

One party decides where the child's primary home is located and makes the major decisions about the child's health, education, and welfare. There is no geographic limit on the location of the child's primary home.

The **Sole Managing Conservator** is (*name*): \_\_\_\_\_.

The Sole Managing Conservator has the exclusive right to decide where the child's primary home is located.

The **Possessory Conservator** is (*name*): \_\_\_\_\_.

OR

- THIS OPTION CAN BE SELECTED ONLY IF THE PARTIES AGREE TO IT.**  
**Joint Managing Conservators, No Party Chooses Child's Primary Home, Geographic Limit on Child's Primary Home:**

Both parties share legal custody. Neither party has the right to decide where the child's primary home is located.

There is a geographic limit on the location of the child's primary home. BY AGREEMENT, the child's primary home will be located: *(Check one)*

- in the school district of \_\_\_\_\_.
- in this county.       in this county or in counties adjacent to this county.
- in Texas.       Other \_\_\_\_\_.

## 2. Rights and Duties At All Times

The Court ORDERS that both parents *always* have the following rights:  
*(Texas Family Code, Section 153.073)*

1. To receive information from the other parent or conservator about the child/ren's health, education, and welfare.
2. To talk or confer with the other parent, to the extent it is possible, about upcoming decisions concerning the child/ren's health, education, and welfare.
3. To have access to the child/ren's medical, dental, psychological, and educational records.
4. To talk or consult with the child/ren's doctors, dentists, and psychologists.
5. To talk or consult with school officials, including teachers, and school staff, about the child/ren's welfare and educational status and school activities.
6. To attend the child/ren's school activities.
7. To be designated as an emergency contact on their child/ren's records.
8. To give consent for emergency medical, dental, and surgical treatment if the child/ren's health or safety is in immediate danger.
9. Each parent has the right to manage the child/ren's estate(s) if he or she created it for the child/ren or if that parent's family created it for the child/ren.

The Court ORDERS that both parents *always* have the following duties:  
*(Texas Family Code, Section 153.076)*

1. To inform the other parent or conservator, in a timely manner, about significant information concerning the child/ren's health, education and welfare.
2. Each parent has a duty to inform the other parent or conservator if the parent:
  - resides with for at least 30 days,
  - marries, or
  - intends to marry

a person who the parent knows is a registered sex offender under Chapter 62 of the Texas Code of Criminal Procedure, or who is currently charged with an offense that would require the person to register as a sex offender under that chapter, if convicted.

The parent IS ORDERED to give this notice as soon as practicable, but no later than the 40<sup>th</sup> day after the date the parent or conservator begins to reside with the person, or within 10 days of marrying the person.

The notice must include a description of the offense that required the person to register as a sex offender or the offense that the person is charged with that may require the person to register as a sex offender.

### 3, Rights and Duties During Periods of Possession

The Court ORDERS that both parents have the following rights and duties *when the child/ren are with them:* (Texas Family Code, Section 153.074)

1. To care for, control, protect, and reasonably discipline the child/ren.
2. To support the children, providing them with food, clothing, and shelter, and medical and dental care that does not involve an invasive procedure.
3. To consent to non-invasive medical and dental care for the child/ren.
4. To direct the child/ren's moral and religious training.

### 4. Other Rights and Duties

The Court ORDERS the parties shall share the following rights and duties as marked below:  
(Texas Family Code, Section 153.132)

	Mom alone	Dad alone	Mom and Dad together	Either Mom or Dad	Other person*
1.Consent to invasive medical, dental, and surgical treatment for the child/ren	<input type="checkbox"/>				
2.Consent to psychiatric or psychological treatment for the child/ren	<input type="checkbox"/>				
3.Right to receive and give receipt for child support payments, and to hold or disburse these funds for the child/ren's benefit	<input type="checkbox"/>	<input type="checkbox"/>	No	No	<input type="checkbox"/>
4.Represent the child/ren in a legal action and make important legal decisions that affect the child/ren	<input type="checkbox"/>				
5.Consent to a child's marriage, or to a child enlisting in the U.S. Armed Forces	<input type="checkbox"/>				
6.Make decisions concerning the child/ren's education	<input type="checkbox"/>				
7.Manage or control the earnings or services of a child who works	<input type="checkbox"/>				
8.Make decisions for the child/ren about their estates if required by law (unless the child/ren have a <i>guardian ad litem</i> or guardian of the estate)	<input type="checkbox"/>				
9.Manage the child/ren's estates if any were created by the parents' community or joint property.	<input type="checkbox"/>				

\*If you checked "Other person," explain below:

Name of other person: \_\_\_\_\_

Relationship to child/ren: \_\_\_\_\_

## Exhibit: Standard Possession (Visitation) and Access Order

The Court ORDERS that each conservator shall comply with all terms and conditions of this standard possession (visitation) order.

The Court ORDERS that this standard possession (visitation) order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs the order to which this exhibit is attached.

### Designation of Conservators

The Court ORDERS that the conservators are designated in this exhibit as Home Parent and Co-parent.

The conservator known as the 'Home Parent' is: (name) \_\_\_\_\_

The conservator known as the 'Co-Parent' is: (name) \_\_\_\_\_

### Mutual Agreement

The Court ORDERS that Home Parent and Co-Parent shall have possession of the child/ren at any and all times mutually agreed to in advance by Home Parent and Co-Parent.

In the absence of mutual agreement, the Court ORDERS that Home Parent and Co-Parent shall have possession of the child/ren as ordered below.

### Undesignated Times

The Home Parent shall have the right to possession of the child/ren at all times not specifically ordered for Co-Parent.

### Definitions

“**School**” means the primary or secondary school where a child is enrolled, or if the child is not enrolled in a primary or secondary school, the public school district where the child primarily resides.

“**Child**” includes each child, whether one or more, who is part of this case while that child is under the age of eighteen years and not otherwise emancipated.

A “**weekend**” begins on the 1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> Friday of each month at 6pm, and ends on the following Sunday at 6 pm, except when:

- The box “After school\*\*” is checked, then during the regular school year, the weekend begins at the time the child/ren’s school is dismissed before the 1<sup>st</sup>, 3<sup>rd</sup>, or 5<sup>th</sup> weekend of each month.
- The box “Next school day\*\*\*” is checked, then during the regular school year, the weekend ends at the time the child/ren’s school starts on the next school day after the 1<sup>st</sup>, 3<sup>rd</sup>, or 5<sup>th</sup> weekend of each month (if Co-Parent cannot return the children to school on time, s/he must notify the school and the other parent).
- The 1<sup>st</sup>, 3<sup>rd</sup>, or 5<sup>th</sup> weekend coincides with a student holiday or teacher’s in-service day or federal, state or local holiday that falls on a Monday, then the weekend begins on Friday, and ends on Monday; if the holiday falls on a Friday, then the weekend begins on Thursday, and ends on Sunday.
- If a weekend or midweek visit conflicts with the holiday or summer schedule, you must follow the holiday or summer schedule.

## Schedules

<b>1A. Co-Parent's Local Schedule</b> When the Co-Parent lives within 100 miles of the primary residence of the child/ren, the Co-Parent shall have the right to possession of the child/ren as follows:		<b>Co-parent's right to possession shall begin at:</b>	<b>Co-parent's right to possession shall end at:</b>
<b>Weekends*</b>	On the 1 <sup>st</sup> , 3 <sup>rd</sup> , and 5 <sup>th</sup> weekend of each month. See definition above	<input type="checkbox"/> After school** <input type="checkbox"/> 6 pm	<input type="checkbox"/> Next school day*** <input type="checkbox"/> 6 pm
<b>Mid-Week Visit</b>	On Thursday of each school week	<input type="checkbox"/> After school** <input type="checkbox"/> 6 pm	<input type="checkbox"/> School starts on Friday <input type="checkbox"/> 8 pm
<b>Thanksgiving</b> <i>Odd-Numbered Years</i>	Starts last day of school before Thanksgiving and ends on Sunday.	<input type="checkbox"/> After school** <input type="checkbox"/> 6 pm	6 pm
<b>Christmas Break</b> <i>Even-Numbered Years</i>	Starts the last day of school before Christmas Break and ends December 28 <sup>th</sup> .	<input type="checkbox"/> After school** <input type="checkbox"/> 6 pm	noon
<b>Christmas Break</b> <i>Odd-Numbered Years</i>	Starts on December 28 <sup>th</sup> and ends the day before school starts after Christmas Break.	noon	6 pm
<b>Spring Break</b> <i>Even-Numbered Years</i>	Starts the last day of school before Spring Break and ends the day before school starts after Spring Break.	<input type="checkbox"/> After school** <input type="checkbox"/> 6 pm	6 pm
<b>Standard Summer</b>	Starts on July 1 <sup>st</sup> and ends on July 31 <sup>st</sup> .	6 pm	6 pm
<b>Different Summer</b> <i>Co-Parent must notify Home Parent of the dates, in writing, by April 1.</i>	If Co-Parent gives Home Parent written notice by April 1 of each year, Co-Parent may choose a different 30-day summer schedule. The schedule must be: after school is dismissed for summer break, only 1 or 2 blocks of time, each at least 1 week long, and <b>not</b> during the last week of the summer break	6 pm	6 pm
<b>1B. Home Parent's Local Schedule</b> Notwithstanding the weekend and midweek periods of possession ordered for Co-Parent above, it is expressly ORDERED that Home parent shall have a superior right to possession of the children as follows:		<b>Home-parent's right to possession shall begin at:</b>	<b>Home-parent's right to possession shall end at:</b>
<b>Thanksgiving</b> <i>Even-Numbered Years</i>	Starts the last day of school before Thanksgiving and ends Sunday.	6 pm	6 pm
<b>Christmas Break</b> <i>Odd-Numbered Years</i>	Starts the last day of school before Christmas Break and ends December 28 <sup>th</sup> .	6 pm	noon
<b>Christmas Break</b> <i>Even-Numbered Years</i>	Starts on December 28 <sup>th</sup> and ends the day before school starts after Christmas Break.	noon	6 pm
<b>Spring Break</b> <i>Odd-Numbered Years</i>	Starts the last day of school before Spring Break and ends the day before school starts after Spring Break.	6 pm	6pm
<b>Extended Summer</b> <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15<sup>th</sup></i>	If the Home Parent gives the Co-parent written notice by April 15 of each year, the Home-parent may designate 21 days beginning not earlier than the day after the child's school is dismissed for the summer. The dates must be exercised in not more than 2 separate periods of at least 7 consecutive days each. <b>The dates must not be:</b> <ul style="list-style-type: none"><li>during the last week of the summer break</li><li>during days when the Co-Parent has a scheduled summer, or Father's/Mother's Day visitation</li></ul>	6 pm	6 pm
<b>Summer Weekend During Co-Parent's Summer Visitation</b> <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15<sup>th</sup></i>	If the Home Parent gives the Co-parent written notice by April 15 of each year, the Home-parent shall have possession of the child/ren on 1 weekend during the child/ren's summer break, when the Co-Parent would otherwise be entitled to weekend possession of the child/ren. <b>The weekend:</b> <ul style="list-style-type: none"><li><b>Cannot</b> interfere with the Co-Parent's Father's or Mother's Day weekend</li><li><b>Cannot</b> be the last weekend of summer</li></ul>	6 pm	6 pm

<b>2A. Co-Parent's Long Distance Schedule</b>		<b>Co-parent's right to possession shall begin at:</b>	<b>Co-parent's right to possession shall end at:</b>
When Co-Parent lives more than 100 miles from the primary residence of the child/ren, the Co-Parent shall have the right to possession of the child/ren as follows:			
<b>Weekends*</b>	On the 1 <sup>st</sup> , 3 <sup>rd</sup> , and 5 <sup>th</sup> weekend of each month. A weekend starts Friday and ends Sunday.  <b>OR Alternate Weekend Possession**</b> <b>If Co-Parent gives Home Parent written notice within 90 days after residing more than 100 miles apart</b> , Co-Parent shall have possession of the child/ren for any <b>one</b> weekend per month that the Co-Parent chooses. The Co-Parent must give the Home Parent at least 14 days notice (by phone or in writing), and the weekend cannot interfere with the holiday schedule.	6 pm	6 pm
<b>Thanksgiving</b> Odd-Numbered Years	Starts the last day of school before Thanksgiving and ends on Sunday.	6 pm	6 pm
<b>Christmas Break</b> Even-Numbered Years	Starts the last day of school before Christmas Break and ends December 28 <sup>th</sup> .	6 pm	noon
<b>Christmas Break</b> Odd-Numbered Years	Starts on December 28 <sup>th</sup> and ends the day before school starts after Christmas Break.	noon	6 pm
<b>Spring Break</b> (Every year)	Starts the last day of school before Spring Break and ends the day before school starts after Spring Break.	6 pm	6 pm
<b>Standard Summer</b>	Starts on June 15 <sup>th</sup> and ends on July 27 <sup>th</sup>	6 pm	6 pm
<b>Different Summer</b> <i>Co-Parent must notify Home Parent of the dates, in writing, by April 1.</i>	If Co-Parent gives Home Parent written notice by April 1 of each year, the Co-Parent may choose a different 42-day summer schedule, but it must be: <ul style="list-style-type: none"><li>• Only 1 or 2 blocks of time, each at least 1 week long,</li><li>• <b>Not</b> during the last week of the summer break</li></ul>	6 pm	6 pm
<b>2B. Home Parent's Long Distance Schedule</b>		<b>Home Parent's Right to Possession shall begin at:</b>	<b>Home parent's right to Possession shall end at:</b>
Notwithstanding the weekend periods of possession ORDERED for Co-parent above, it is expressly ORDERED that Home parent shall have a superior right to possession of the children as follows:			
<b>Thanksgiving</b> <i>Even-numbered years</i>	Starts last day of school before Thanksgiving and ends Sunday.	6 pm	6 pm
<b>Christmas Break</b> <i>Odd-Numbered Years</i>	Starts the last day of school before Christmas Break and ends December 28 <sup>th</sup> .	6 pm	noon
<b>Christmas Break</b> <i>Even-Numbered Years</i>	Starts on December 28 <sup>th</sup> and ends the day before school starts after Christmas Break.	Noon	6 pm
<b>Extended Summer</b> <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15<sup>th</sup>, or give at least 14 days written notice of the dates, after April 15<sup>th</sup>.</i>	The Home Parent may choose 21 days during the summer when the child/ren will stay with the Home Parent.  The Home Parent's schedule must be: <ul style="list-style-type: none"><li>• <b>Not</b> during the last week of the summer break</li><li>• <b>Not</b> during days when the Co-Parent has a scheduled summer, or Father's/Mother's Day visitation.</li><li>• Only 1 or 2 blocks of time, each at least 1 week long</li></ul>	6 pm	6 pm
<b>Summer Weekend During Co-Parent's Summer Visitation</b> <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15<sup>th</sup></i>	If the Co-Parent's summer visitation is 31 days or more, the Home Parent may choose to have the children for <b>two</b> weekends during the Co-Parent's summer visitation (or <b>one</b> weekend if the Co-Parent's summer visitation is 30 days or less). The weekends: <ul style="list-style-type: none"><li>• <b>Cannot</b> be consecutive weekends during the Co-Parent's summer visitation schedule</li><li>• <b>Cannot</b> interfere with the Co-Parent's Father's or Mother's Day weekend</li><li>• <b>Cannot</b> be the last weekend of summer</li></ul>	6 pm	6 pm

### **3. Child's Birthday, Mother's Day and Father's Day**

Home Parent and Co-Parent shall also have the right to possession of the child/ren as follows, notwithstanding the weekend and midweek periods of possession ordered for Co-parent and regardless of the distance between the residence of a parent and the child:

#### **Child's Birthdays**

The Parent who does not already have a scheduled visit on the child's birthday shall have the right to possession of the child on the child's birthday, from 6 p.m. to 8 p.m., provided he or she picks up the child from the residence of the parent entitled to possession, and returns the child to the same place.

*(Check here only if you want to include the child's minor siblings for this birthday visit.)*

This visit shall include the child's minor siblings.

#### **Father's Day**

If a conservator, the Father shall have possession of the child/ren on Father's Day weekend, provided he picks up the child/ren from the residence of the parent entitled to possession, and returns the child/ren to the same place.

The weekend starts Friday before Father's Day at 6 p.m. and ends at:

6 p.m. Sunday **or**  8 a.m. on the Monday after Father's Day

#### **Mother's Day**

If a conservator, the Mother shall have possession of the child/ren on Mother's Day weekend, provided she picks up the child/ren from the residence of the parent entitled to possession, and returns the child/ren to the same place.

The weekend starts Friday before Mother's Day at 6 p.m. and ends at:

6 p.m. Sunday **or**  8 a.m. on the Monday after Mother's Day

### **4. General terms and Conditions**

Except as otherwise expressly provided in this standard Possession Order, the following terms and conditions apply regardless of the distance between the residence of a parent and the child:

#### **Exchange of Children at Start of Co-parent's Possession**

The Court ORDERS the Home Parent to surrender the child/ren to the Co-Parent at the beginning of Co-parent's possession at: *(Check one.)*

Home parent's residence.

Co-Parent's residence.

The following location: \_\_\_\_\_

If a period of possession begins at the time the child/ren's school is regularly dismissed, the Court ORDERS the Home parent to surrender the child to Co-parent at the beginning of each such period of possession at the school in which the child is enrolled.

If the child is not in school, Co-parent shall pick up the child at the location designated above and the Court ORDERS the Home parent to surrender the child to Co-parent at the location designated above at 6 pm.

If the children will not be in school, the Home-Parent shall immediately notify the Co-Parent.

#### **Exchange of Children at End of Co-Parent's Possession**

The Court ORDERS the Co-Parent to surrender the child/ren to the Home Parent at the end of Co-Parent's possession at: *(Check one.)*

Home parent's residence.

Co-Parent's residence.

The following location: \_\_\_\_\_

However, if the Home Parent and Co-Parent live in the same county when the order is signed and the Co-Parent remains in the county, but the Home Parent moves out of the county, then beginning on the date Home Parent moves, Co-Parent shall return the child/ren to the Home parent at: *(Check one.)*

- Co-Parent's residence.
- the location designated above.

If a period of possession ends at the time the child/ren's school resumes, the Court ORDERS the Co-Parent to surrender the child/ren to Home Parent at the end of each such period of possession at the school in which the child is enrolled or, if the child is not in school, at the residence of Home Parent at 7 a.m.

If the child/ren will not be delivered to school on that day, Co-Parent shall immediately notify the school and Home Parent that the child/ren will not or has not been returned to school.

### **Child/ren's Personal Effects**

The Court ORDERS each conservator to return with the child/ren the personal effects that the child brought at the beginning of the period of possession.

### **Designation of Competent Adult**

Each conservator may designate any competent adult to pick up and return the child/ren, as applicable. The Court ORDERS that a conservator or designated competent adult be present when the child/ren is/are picked up or returned.

### **Notice if Unable to Exercise Possession**

The Court ORDERS each conservator to give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period.

### **Written Notice**

Written notice shall be deemed to have been timely made if received or postmarked before or at the time that notice is due.

## **5. Warnings —**

**FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THIS ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.**

**FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.**

**FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.**

**EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EVERY OTHER PARTY, THE COURT, AND THE STATE CHILD SUPPORT REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER. THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO THE OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO GIVE NOTICE OF THE CHANGE TO PROVIDE 60-DAYS NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE 5TH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.**

**THE DUTY TO FURNISH THIS INFORMATION TO EVERY OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.**

**FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EVERY OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.**

**NOTICE SHALL BE GIVEN TO EVERY OTHER PARTY BY DELIVERING A COPY OF THE NOTICE TO EACH PARTY BY REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED. NOTICE SHALL BE GIVEN TO THE COURT AND THE STATE CASE REGISTRY BY DELIVERING A COPY OF THE NOTICE EITHER IN PERSON TO THE CLERK OF THE COURT OR BY REGISTERED OR CERTIFIED MAIL ADDRESSED TO THE CLERK.**

**NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER.**

**A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY.**

**ANY PERSON WHO KNOWINGLY PRESENTS FOR LAW ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.**

This concludes the Possession (Visitation) Order.

# Exhibit: Child Support Order

## 1. Person Ordered to Pay Child Support (Obligor)

IT IS ORDERED that \_\_\_\_\_ is the Obligor, the person  
(Name of person to pay support)

ordered to pay child support for the children listed in the Decree or Order, and that he or she is obligated to and shall pay child support in the amount and manner described below, until one of the following **events that terminate child support** occurs for each child.

## 2. Events that Terminate Child Support

(See Texas Family Code Sections 154.006 and 154.002.)

The obligation to pay child support for a child terminates when:

- The child turns 18, unless when the child turns 18 he or she is enrolled and complying with attendance requirements in a secondary school program leading toward a high school diploma or enrolled in courses for joint high school and junior college credit then child support terminates at the end of the month in which the child graduates. **-or-**
- The child marries, dies, or is emancipated by court order. **-or-**
- The child begins active duty in the United States armed forces. **-or-**
- A court terminates the parent-child relationship between the man ordered to pay child support and the child based on genetic testing that determines the man is not the child's father. **-or-**
- The person ordered to pay child support and the person ordered to receive child support marry or remarry each other, unless a nonparent or agency has been appointed conservator of the child.

## 3. Child Support Amount Ordered

If there is only one child who will receive support, fill out 3a below and cross out 3b.

If there is more than one child who will receive support, fill out 3b below and cross out 3a.

**3a. For a Single Child** Write in the child support amount for the single child on the line below.

There is ONLY ONE child for whom child support is ordered in this Order. The person ordered to pay child support is ORDERED to pay:

\$ \_\_\_\_\_ child support per month. The 1<sup>st</sup> payment is due on the 1<sup>st</sup> day of the 1<sup>st</sup> month after this order is signed by the Court. A like payment is due on the 1<sup>st</sup> day of each month after that **until** child support terminates for the child. Support for the child terminates when one of the events listed in section 2 "Events that Terminate Child Support" occurs.

**3b. For Multiple Children** Write in the total child support amount for all of the children on the 1<sup>st</sup> line below. On each additional line, write in the child support amount for one less child. Note: Child support based on the guidelines set out in Texas Family Code Chapter 154, Subchapter C decreases each time child support terminates for one of the children.

There is MORE THAN ONE child for whom child support is ordered. The person ordered to pay child support is ORDERED to pay:

\$ \_\_\_\_\_ child support per month. The 1<sup>st</sup> payment is due on the 1<sup>st</sup> day of the 1<sup>st</sup> month after this order is signed by the Court. A like payment is due on the 1<sup>st</sup> day of each month after that **until** child support terminates for one child.

After that, the person ordered to pay child support is ORDERED to pay:

\$ \_\_\_\_\_ child support per month. The 1<sup>st</sup> payment is due on the 1<sup>st</sup> day of the 1<sup>st</sup> month after child support terminates for one child. A like payment is due on the 1<sup>st</sup> day of each month after that **until** child support terminates for a second child.

After that, the person ordered to pay child support is ORDERED to pay:

\$ \_\_\_\_\_ child support per month. The 1st payment is due on the 1st day of the 1st month after child support terminates for a second child. A like payment is due on the 1st day of each month after that **until** child support terminates for a third child.

After that, the person ordered to pay child support is ORDERED to pay:

\$ \_\_\_\_\_ child support per month. The 1st payment is due on the 1st day of the 1st month after child support terminates for a third child. A like payment is due on the 1st day of each month after that **until** child support terminates for a fourth child.

After that, the person ordered to pay child support is ORDERED to pay:

\$ \_\_\_\_\_ child support per month. The 1st payment is due on the 1st day of the 1st month after child support terminates for a fourth child. A like payment is due on the 1st day of each month after that **until** child support terminates for a fifth child.

**4. Person Ordered to Receive Child Support (Obligee)**

IT IS ORDERED that child support is payable to \_\_\_\_\_,  
*(Name of person to receive child support)*  
but must be sent to the **place of payment** listed below.

**5. Place of Payment**

The person ordered to pay child support is ORDERED to send all child support payments to the **Texas Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, for distribution according to law.

Include the following information with each payment:

- Name of person ordered to *pay* child support, **and**
- Name of person ordered to *receive* child support, **and**
- Cause Number and County of Decree or Order, **and**
- Attorney General Case Number, if applicable.

**6. No Credit for Informal Payments**

IT IS ORDERED that money paid by the person ordered to pay child support directly to the person ordered to receive child support or spent while in possession of the children does NOT count as child support and shall be deemed in addition to and not instead of the support ordered in this order.

**7. Guideline or Non-Guideline Support**

*Check Guideline Support if the child support amount or amounts listed are based on the guidelines set out in Texas Family Code, Chapter 154, Subchapter C.*

*Check and complete Non-Guideline Support, if the child support amount or amounts listed are not based on the statutory guidelines.*

**Guideline Support:** The amount of child support is approximately the amount recommended in the Texas Family Code Guidelines, Chapter 154.

**Non-Guideline Support:** The amount of child support differs significantly from the amount recommended in the Texas Family Code Guidelines, Chapter 154. The court finds that guideline support would be unjust or inappropriate under the circumstances because *(explain)*:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The net monthly income (from all sources) of the **person paying** child support is \$ \_\_\_\_\_.

The net monthly income (from all sources) of the **person receiving** child support is \$ \_\_\_\_\_.

Actual monthly child support is \$ \_\_\_\_\_, which is \_\_\_\_\_ % of the *paying person's* net monthly income.

## 8. Child Support Account / Fees

Each party is ORDERED to:

- Fill out any forms necessary to set up a child support account, **and**
- Take the forms to the local Domestic Relations Office or county child support liaison within 5 days after the judge orders child support, **and**
- Pay when due, all fees charged to that party by the state disbursement unit and any other agency authorized by law to a charge a fee.

## 9. Income Withholding

**IT IS ORDERED** that any employer of the person ordered to pay child support is ordered to withhold child support from the person's disposable earnings.

If an income withholding for support order is served on the employer of the person ordered to pay child support, the employer shall withhold child support payments from the employee's pay, and send it to the **Texas Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, where the payments shall be recorded, and forwarded to the person ordered to receive child support. All child support withheld and paid in accordance with this order shall be credited against the child support obligation.

If the employer withholds less than 100% of the child support ordered, the person ordered to pay child support is ORDERED to send the balance owed to the **Texas Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265**.

If an income withholding for support order is not served on the employer, or if the person paying child support is self-employed or unemployed, the person ordered to pay child support is ORDERED to send all child support payments to the **Texas Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265**.

IT IS ORDERED that the Clerk of this Court shall cause a certified copy of the income withholding for support order to be delivered to any employer of the person ordered to pay child support, if asked to do so by the person ordered to pay or receive child support, a prosecuting attorney, the title IV-D agency, a friend of the Court, or a domestic relations office.

## 10. Suspension of Income Withholding

*Check here if all parties agree not to have the employer withhold child support payments at this time.*

The parties agree, and the Court ORDERS that an income withholding for support order shall not be served on the employer **unless**: 1) child support payments are more than 30 days late, 2) the past due amount is the same or more than the monthly child support amount, 3) another violation of this child support order occurs or 4) the Office of the Attorney General Child Support Division is providing services to the person ordered to receive child support. The person ordered to pay child support is ORDERED to send all child support payments to the **Texas Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, where the payment will be recorded, and forwarded to the person ordered to receive child support.

## 11. Child Support After Death

If the person ordered to pay child support dies before this child support order ends, any unpaid child support shall become the obligation of his or her estate.

## 12. Life Insurance Policy

*Check here if the person ordered to pay child support should also be ordered to maintain a life insurance policy for as long as child support is ordered.*

As additional child support, the person paying child support under this order is ORDERED to obtain and maintain a life insurance policy on his or her life for as long as child support is ordered. The value of the policy shall be at least as much as the total child support obligation. The person receiving child support under this order must be named as the primary beneficiary for the benefit of the children.

### 13. Required Notices

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EVERY OTHER PARTY, THE COURT, AND THE STATE CHILD SUPPORT REGISTRY OF ANY CHANGE IN THE PARTY'S:

- CURRENT RESIDENCE ADDRESS,
- MAILING ADDRESS,
- HOME TELEPHONE NUMBER,
- NAME OF EMPLOYER,
- ADDRESS OF EMPLOYMENT,
- DRIVER'S LICENSE NUMBER, AND
- WORK TELEPHONE NUMBER.

THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO THE OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60<sup>TH</sup> DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO GIVE NOTICE OF THE CHANGE TO PROVIDE 60-DAYS NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE 5<sup>TH</sup> DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EVERY OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EVERY OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

Notice shall be given to **every other party** by delivering a copy of the notice to each party by registered or certified mail, return receipt requested.

Notice shall be given to the **Court** by delivering a copy of the notice either in person to the clerk of the Court or by registered or certified mail addressed to the clerk.

Notice shall be given to the **State Case Registry** by mailing a copy of the notice to the State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

### 14. WARNINGS TO PARTIES

FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THIS ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

## Exhibit: Medical Support Order

**Warning!** If you disobey a Court order to pay for or provide health insurance for the children, the law says you will have to pay for ALL needed and reasonable health costs, even if those costs would not have been covered by an insurance policy.

### The Court makes the following orders:

#### 1. Insuring Parent

IT IS ORDERED that \_\_\_\_\_  
(Name of person to pay health insurance/ medical support, Insuring Parent)

**must pay** for and provide health insurance / medical benefits for the children listed in the attached Decree or Order, in the manner described below, until one of the following **conditions** is met for each child, or one of the following **events** occurs:

#### Conditions

- The child turns 18 and graduates from high school, **or**
- The child has turned 18, and is not meeting the attendance requirements of a high school or other secondary school leading toward a high school diploma, **or**
- The child marries, dies, or is emancipated by court order, **or**
- The child begins active duty in the US armed forces, **or**

#### Events

- The child's parents marry each other and live with the child, or
- The court changes this order.

The medical benefits **must** include doctor services, office visits, hospitalization, laboratory, X-ray, and emergency services.

#### 2. Insurance / Medical Benefits

The Insuring Parent IS ORDERED to pay for and enroll the children in a health insurance policy offered through either parent's work or membership in a union or organization, if it is available at a reasonable cost (not more than 9% of his/her annual resources), and it provides doctor services, office visits, hospitalization, laboratory, X-ray, and emergency services.

If the Insuring Parent obtains health insurance through the other parent's work or membership in an organization, that other parent is ordered to include the child in his or her health insurance. The Insuring Parent is ordered to reimburse the other parent for the **actual cost** of insuring the children in this case, as described below.

If insurance is **not** available through either parent's work or membership in a union or organization at a reasonable cost, the Insuring Parent IS ORDERED to get insurance / medical benefits for the children using any of these options:

1. Buy an individual policy to cover the children, and give the other parent the required health insurance information listed below, **or**
2. Get public health insurance. (For information, contact TexCare Partnership: 1-800-647-6558, [www.texcarepartnership.com](http://www.texcarepartnership.com)), **or**
3. Give the other parent \$\_\_\_\_\_ / per month in medical support for the children's health expenses. Payments must be (check one):
  - Mailed to the Child Support State Disbursement Unit on the 1st day each month, or
  - Withheld by the Insuring Parent's Employer.

The Insuring Parent is not required to make these payments if he or she obtains health insurance for the child and provides proof of insurance to the other parent, and any other party to the case.

### **3. Information to be Provided**

The Insuring Parent must give the other parent the following information, **within 30 days** of the date of this Order:

- Name of the health insurance company, policy number, copy of the policy, and a list of covered benefits,
- Proof that the children are covered under this policy,
- A health insurance membership card, claim forms, and any other information needed to submit a claim, if applicable,
- The Insuring Parent's Social Security Number and name and address of the Insuring Parent's employer and the type of insurance available through his/her employment.

### **4. Notice of Changes to Insurance / Medical Benefits**

1. If the insurance benefits are renewed, cancelled, or changed in any way, the Insuring Parent must send the new information to the other parent **within 15 days of the change**.
2. If the Insuring Parent is no longer eligible for coverage, s/he must provide other health insurance within 10 days of losing coverage. The new insurance must provide as much, or more, coverage for the children.

### **5. Reimbursement for Actual Cost to Insure Children in this Case**

If the Insuring Parent obtains health insurance for the children through the other parent's employment, the Insuring Parent must reimburse the other parent the **actual cost** of insuring the children in this case (*but not more than 9% of the Insuring Parent's annual resources*).

*If the other parent has other children covered by the same health insurance plan, determine the **actual cost** of insuring the children in this case by doing this: Divide the total cost of insuring all children covered by the plan by the total number of children insured. Then, multiply that number by the number of children in this case.*

The Insuring Parent is ORDERED to pay the actual cost of the health insurance for the children as additional child support, with the first payment of \$\_\_\_\_\_ due on the first day of the first month after this Decree is signed, and a like payment due on the first day of each month thereafter, until there is a change in the actual cost of the health insurance for the children in this case.

Starting on the first day of the month after each change in the actual cost of health insurance for the children in this case, the Insuring Parent is ordered to pay the other parent the actual cost of insuring the children, and must continue to make like monthly payments on the first day of each month thereafter until there is another change in the actual cost of health insurance for the children in this case.

IT IS ORDERED that these additional payments for reimbursement of health insurance expenses shall be made through the **Child Support State Disbursement Unit, PO Box 659791, San Antonio, Texas, 78265**, and thereafter promptly remitted to the other parent for support of the children.

IT IS FURTHER ORDERED that payments made by the Insuring Parent for the reimbursement of health insurance premiums to the other parent shall stop if the Insuring Parent enrolls the children in a health insurance or medical benefits program, as described above, and the Insuring Parent provides the other parent or the IV-D agency, if needed, the information listed in paragraph III, above.

If the insurance company sends reimbursement for services, it must be given to the parent who made the expense, within 3 days. If payment is not in that parent's name, the other parent will endorse the check and forward the payment.

### 6. **Filing Claims**

Either parent may file a claim. If claim forms or other information are needed for reimbursement, the parents must provide that information within 10 days of the request.

### 7. **Additional Insurance**

Either parent may get additional health insurance for the children, at his/her own cost. If the additional insurance expands coverage for the children, the parents are ordered to make the benefits available.

### 8. **Costs not covered by Insurance**

A. If the insurance does not cover all of the health care costs, the parents must each pay half (50%) of the health care costs not covered by the insurance, including:

- Annual deductibles
- Co-pays
- Charges for dental, vision, and orthodontic care
- Charges for prescription drugs

*(Travel costs and the cost of over-the-counter drugs are NOT included.)*

B. **Notify the other parent about health care costs:** Each parent must notify the other parent of the health care costs incurred within 10 days. After being notified, the other parent has 10 days to pay his/her portion of the health care cost. The court considers all health care costs to be reasonable, even if denied by the health insurance company.

### 9. **For Paternity Cases and Suits Affecting the Parent-Child Relationships**

Check here if the Father will pay for 50% of the mother's pregnancy-related health care expenses. *(You can only ask for this if this is the first Health Insurance Order for the child/ren in this case.)*

The father IS ORDERED to pay 50% of the mother's pregnancy-related health care expenses for the child/ren listed below:

	Child's Name	Date of Birth
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____

## Exhibit: Family Information

Required by Texas Family Code, sections 105.006 and 105.007

**Important!** If giving this information to the other parent (or other person involved in this case) is likely to cause you or your children to be harassed, abused, seriously harmed or injured, you may ask the court to order, after notice and hearing, that the information not be given to the other parent (or other person involved in this case). Find an *Order on Request to Keep Family Information Confidential* at [www.FreeTexasForms.org](http://www.FreeTexasForms.org).

If any family information requested on this form changes while a custody or support order is in effect, you **must** notify:

- each person named as a party in this case,
- the Court, and
- the State Child Support Registry

Notification must be at least *60 days before* the change. If you did not know about the change 60 days before it happened, notification must be *on or before the 5<sup>th</sup> day* after you know of the change.

You must send written notice of any change to each person named as a party in this case by registered or certified mail, return receipt. Notify the Court by delivering a copy of the notice either in person to the clerk of this Court or by registered or certified mail addressed to the District Clerk's Office of this County. Notify the State Child Support Registry by mailing a copy of the notice to State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

*Print your answers.*

Name of person completing this form: \_\_\_\_\_

### 1. Mother's Information

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Home phone # (     ) \_\_\_\_\_ Work phone #: (     ) \_\_\_\_\_

FULL Social Security #: \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_

Driver's License #: \_\_\_\_\_ Issuing state: \_\_\_\_\_

Employer: \_\_\_\_\_

Work address: \_\_\_\_\_

### 2. Father's Information

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Home phone #: (     ) \_\_\_\_\_ Work phone #: (     ) \_\_\_\_\_

FULL Social Security #: \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_

Driver's License #: \_\_\_\_\_ Issuing state: \_\_\_\_\_

Employer: \_\_\_\_\_

Work address: \_\_\_\_\_

**3. Other Person Named as a Party in this Case (If Applicable)**

Name: \_\_\_\_\_ Relationship to Children: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Home phone #: (     ) \_\_\_\_\_ Work phone #: (     ) \_\_\_\_\_  
FULL Social Security #: \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_  
Driver's License #: \_\_\_\_\_ Issuing state: \_\_\_\_\_  
Employer: \_\_\_\_\_  
Work address: \_\_\_\_\_

**4. Child (under 18)**

Name \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Home phone #: (     ) \_\_\_\_\_ FULL Social Security #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
School: \_\_\_\_\_ School Address: \_\_\_\_\_

**5. Child (under 18)**

Name \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Home phone #: (     ) \_\_\_\_\_ FULL Social Security #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
School: \_\_\_\_\_ School Address: \_\_\_\_\_

**6. Child (under 18)**

Name \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Home phone #: (     ) \_\_\_\_\_ FULL Social Security #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
School: \_\_\_\_\_ School Address: \_\_\_\_\_

**7. Child (under 18)**

Name \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Home phone #: (     ) \_\_\_\_\_ FULL Social Security #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
School: \_\_\_\_\_ School Address: \_\_\_\_\_

**8. Child (under 18)**

Name \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Home phone #: (     ) \_\_\_\_\_ FULL Social Security #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
School: \_\_\_\_\_ School Address: \_\_\_\_\_

*If more than 5 children, list their information on another sheet and attach it to this form.*

## **9. Warnings**

**EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EVERY OTHER PARTY, THE COURT, AND THE STATE CHILD SUPPORT REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER.**

**THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO THE OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60<sup>TH</sup> DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO GIVE NOTICE OF THE CHANGE TO PROVIDE 60-DAYS NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE 5<sup>TH</sup> DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.**

**THE DUTY TO FURNISH THIS INFORMATION TO EVERY OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.**

**FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EVERY OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.**

**NOTICE SHALL BE GIVEN TO EVERY OTHER PARTY BY DELIVERING A COPY OF THE NOTICE TO EACH PARTY BY REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED.**

**NOTICE SHALL BE GIVEN TO THE COURT AND THE STATE CASE REGISTRY BY DELIVERING A COPY OF THE NOTICE EITHER IN PERSON TO THE CLERK OF THE COURT OR BY REGISTERED OR CERTIFIED MAIL ADDRESSED TO THE CLERK.**

# Simplified Income Withholding Order (IWO) Instructions

The *Income Withholding for Support Order (IWO)* form approved by the Office of Management and Budget (OMB) must now be used in **all** cases in which child support, cash medical support, or spousal support/maintenance is ordered withheld from an employee's paycheck. *No other IWO form can be used.* These simplified instructions are intended to help Texas self-represented litigants fill out the required IWO form.\* These instructions should be used with the fillable IWO form and sample IWO form available on [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

The red circle numbers below correspond to the red circle numbers on the sample IWO.

- 1 Check the box that describes your IWO.
  - Check the "Original Income Withholding Order/Notice for Support (IWO)" box if this is the first IWO.
  - Check the "Amended IWO" box if this IWO changes a prior IWO. (Any changes to an IWO must be done through an Amended IWO.)
  - Check the "One-Time Order/Notice for Lump Sum Payment" box if the IWO is being sent for a one-time, lump sum payment.
  - Check the "Termination of IWO" box if the IWO is being sent to the employer to stop withholding on an IWO from an employee's paycheck.
  
- 2 Leave the date blank. The Judge will fill in the date when he or she signs your IWO.
  
- 3 The box for "Court" is checked. The IWO will be issued by the Court after the Judge signs it.
  
- 4 For "City/County/Dist/Tribe" type in the county of the court that ordered, or will order, support.  
For "Order Identifier" type in the cause number that is at the top of your support order.  
For "CSE Agency Case Identifier" type in your Attorney General case number, if the Office of the Attorney General has been involved in your case, OR type in your State Disbursement Unit case identification number (if you already have an account set up). Leave blank if the neither applies.
  
- 5 The Employer/Income Withholder's information is prefilled as "Any Employer/Income Withholder of Employee Named in Order." If you would rather fill in the specific name of the Employer, simply delete the prefilled information and type in the Employer's name and address. Either way, bring the Employer's name and address with you to court. (Note: The Employer's official address may be different from the Employee's worksite. Call the Employer to find out where the IWO should be sent.) After the judge signs the IWO, you may ask the clerk's office to send the IWO to the Employer.  
  
The Employer's FEIN is its 9 digit Federal Employer Identification Number. If possible, call the Employer to get the Employer's FEIN.
  
- 6 The "Employee/Obligor" is the person ordered to pay support. It's important to include the Employee/Obligor's full social security number.  
  
The "Custodial Party/Obligee" is the person ordered to receive support.

\*For the official instructions go to: [http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154\\_instructions.pdf](http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154_instructions.pdf).

- 7 List the children for whom child support is ordered. If there are more than 6 children, list the additional children's names and birthdates on page 3 under "Additional Information."
- 8 If your IWO terminates (tells the employer to stop) withholding, insert \$0 for the amount of support ordered.

If your IWO orders child support withheld, read your child support order to determine the monthly amount of child support ordered. Type that amount in the first blank. The following blanks are additional types of payments that may or may not have been ordered. Read your order to determine if past-due child support (also called "child support arrearage") has been ordered. Do the same to determine if current or past-due cash medical support or spousal support (also called "spousal maintenance") has been ordered. Type in the monthly amount ordered, if any, for each type of support. In the last line, add up all the monthly support ordered, and type in the total amount ordered paid each month.

- 9 The Employer will withhold a portion of the monthly support amount from each paycheck, depending on how often the Employee is paid. Calculate and insert the correct amount in each blank, regardless of the Employee's actual pay schedule.
- Calculate the weekly amount by multiplying the monthly amount by 12, then dividing by 52.
  - Calculate the biweekly amount by multiplying the monthly amount by 12, then dividing by 26.
  - Calculate the semimonthly amount by dividing the monthly amount by 2.

If the IWO is being sent for a one-time, lump sum payment fill in the lump sum amount ordered. (Note: Additional IWOs must be issued to collect additional payments.)

- 10 The Court fills in this section.

- 11 Fill in this section with the requested information.

- 12 The correct "Contact Information" depends on who is managing, or will manage, your support account.

- If you already have a support account, write in the contact information for the office that manages your account.

**For example**, if your child support account is being managed by the Office of the Attorney General (OAG) fill in the 1<sup>st</sup> part of the "Contact Information" addressed to the "Employer/Income Withholder" as follows:

**To Employer/Income Withholder:** If you have any questions, contact the Office of the Attorney General Employer Call Center by phone at 1-800-850-6442 or website at: <http://employer.oag.state.tx.us>.

Send termination/income status notice and other correspondence to: **Office of the Attorney General Child Support Division, Central File Maintenance, PO Box 12048, Austin, Texas, 78711-2048** OR you may submit the termination notice online at <http://employer.oag.tx.us>.

Contact the OAG field office in your area to get the information needed to fill in the 2<sup>nd</sup> part of the "Contact Information" addressed to the "Employee/Obligor." For a list of field offices go to [www.oag.state.tx.us/cs/fieldoffices.php](http://www.oag.state.tx.us/cs/fieldoffices.php).

- If you don't already have a support account, contact your local District Clerk's Office. Ask for the name of the office that administers child support and/or spousal support/maintenance accounts in your county. Contact that office to get the information needed to fill in the "Contact Information" section.

# INCOME WITHHOLDING FOR SUPPORT

- 1  ORIGINAL INCOME WITHHOLDING ORDER/NOTICE FOR SUPPORT (IWO)
- AMENDED IWO
- ONE-TIME ORDER/NOTICE FOR LUMP SUM PAYMENT
- TERMINATION of IWO

Date: (Leave blank)

3  Child Support Enforcement (CSE) Agency  Court  Attorney  Private Individual/Entity (Check One)  
**NOTE:** This IWO must be regular on its face. Under certain circumstances you must reject this IWO and return it to the sender (see IWO instructions [http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154\\_instructions.pdf](http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154_instructions.pdf)). If you receive this document from someone other than a State or Tribal CSE agency or a Court, a copy of the underlying order must be attached.

4 State/Tribe/Territory Texas Remittance Identifier (include w/payment) (Blank if unknown)  
City/County/Dist./Tribe Name of County Order Identifier Cause number of your child support order  
Private Individual/Entity (Leave blank) CSE Agency Case Identifier AG Case # or SDU case # if known

5 Any Employer/Income Withholder of Employee Named Order RE: Name of person ordered to pay support, last name 1st  
Employer/Income Withholder's Name Employee/Obligor's Name (Last, First, Middle)  
Full social security number of person ordered to pay support  
Employer/Income Withholder's Address Employee/Obligor's Social Security Number  
Name of person ordered to receive support, last name 1st  
Custodial Party/Obligee's Name (Last, First, Middle)  
Employer/Income Withholder's FEIN (Blank if unknown)

7 Child(ren)'s Name(s) (Last, First, Middle) Child(ren)'s Birth Date(s)  
Last, First, Middle names of children Birthdate of each child  
for whom child support will be paid.  
\*Be sure to write last name 1st.

**ORDER INFORMATION:** This document is based on the support or withholding order from Texas (State/Tribe). You are required by law to deduct these amounts from the employee/obligor's income until further notice.

8 \$ \$ amount ordered Per month current child support  
\$ Amount, if ordered Per month past-due child support - **Arrears greater than 12 weeks?**  Yes  No  
\$ Amount, if ordered Per month current cash medical support  
\$ Amount, if ordered Per month past-due cash medical support  
\$ Amount, if ordered Per month current spousal support  
\$ Amount, if ordered Per month past-due spousal support  
\$ \_\_\_\_\_ Per \_\_\_\_\_ other (must specify) \_\_\_\_\_  
for a **Total Amount to Withhold** of \$ (add above amounts for total) per month.

**AMOUNTS TO WITHHOLD:** You do not have to vary your pay cycle to be in compliance with the *Order Information*. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

9 \$ \$\$\$. per weekly pay period \$ \$\$\$. per semimonthly pay period (twice a month)  
\$ \$\$\$. per biweekly pay period (every two weeks) \$ \$\$\$. per monthly pay period  
\$ \$\$\$. **Lump Sum Payment:** Do not stop any existing IWO unless you receive a termination order.

**REMITTANCE INFORMATION:** If the employee/obligor's principal place of employment is Texas, you must begin withholding no later than the first pay period following the date this Order/Notice was delivered to the employer. Send payment on the same day as the pay date/date of withholding. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold up to 50% of disposable income for all orders. If the employee/obligor's principal place of employment is not Texas, obtain withholding limitations, time requirements, and any allowable employer fees at [http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact\\_map.htm](http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm) for the employee/obligor's principal place of employment.

Document Tracking Identifier (Leave blank)

OMB 0970-0154

For electronic payment requirements and centralized payment collection and disbursement facility information (State Disbursement Unit [SDU]), see [http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact\\_map.htm](http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm).

**Include with payment:** the pay date, Remittance Identifier (if known), Order Identifier, CSE Agency Case Identifier (if known), county identified on page 1, Employee/Obligor's name and social security number, Custodial Party/Obligee's name and social security number (if known), and this FIPS code: 48000.

Make payments payable in the name of the Custodial Party/Obligee identified on page 1.

**Remit payment to** Texas Child Support State Disbursement Unit (SDU) (SDU/Tribal Order Payee)  
at PO BOX 659791 San Antonio, TX, 78265-9791 (SDU/Tribal Payee Address)

**Return to Sender [Completed by Employer/Income Withholder].** Payment must be directed to an SDU in accordance with 42 USC §666(b)(5) and (b)(6) or Tribal Payee (see Payments to SDU below). If payment is not directed to an SDU/Tribal Payee or this IWO is not regular on its face, you *must* check this box and return the IWO to the sender.

Signature of Judge/Issuing Official (if required by State or Tribal law): (Leave blank)

Print Name of Judge/Issuing Official: (Leave blank)

Title of Judge/Issuing Official: (Leave blank)

Date of Signature: (Leave blank)

If the employee/obligor works in a State or for a Tribe that is different from the State or Tribe that issued this order, a copy of this IWO must be provided to the employee/obligor.

If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

#### ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at: [http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact\\_map.htm](http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm)

**Priority:** Withholding for support has priority over any other legal process under State law against the same income (USC 42 §666(b)(7)). If a Federal tax levy is in effect, please notify the sender.

**Combining Payments:** When remitting payments to an SDU or Tribal CSE agency, you may combine withheld amounts from more than one employee/obligor's income in a single payment. You must, however, separately identify each employee/obligor's portion of the payment.

**Payments To SDU:** You must send child support payments payable by income withholding to the appropriate SDU or to a Tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g., payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a Court, Attorney, or Private Individual/Entity and the initial order was entered before January 1, 1994 or the order was issued by a Tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

**Reporting the Pay Date:** You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the State (or Tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

**Multiple IWOs:** If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to Federal, State, or Tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the State or Tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate allocation method.

**Lump Sum Payments:** You may be required to notify a State or Tribal CSE agency of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments.

**Liability:** If you have any doubts about the validity of this IWO, contact the sender. If you fail to withhold income from the employee/obligor's income as the IWO directs, you are liable for both the accumulated amount you should have withheld and any penalties set by State or Tribal law/procedure.

**Anti-discrimination:** You are subject to a fine determined under State or Tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against an employee/obligor because of this IWO.

OMB Expiration Date – 05/31/2014. The OMB Expiration Date has no bearing on the termination date of the IWO; it identifies the version of the form currently in use.

11 Employer's Name: (Blank if unknown) Employer FEIN: (Blank if unknown)  
Employee/Obligor's Name: Full name of person ordered to pay child support  
CSE Agency Case Identifier: AG Case # or SDU case # if known Order Identifier: cause number of your child support order

**Withholding Limits:** You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) (15 U.S.C. 1673(b)); or 2) the amounts allowed by the State or Tribe of the employee/obligor's principal place of employment (see *REMITTANCE INFORMATION*). Disposable income is the net income left after making mandatory deductions such as: State, Federal, local taxes; Social Security taxes; statutory pension contributions; and Medicare taxes. The Federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% - to 55% and 65% - if the arrears are greater than 12 weeks. If permitted by the State or Tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section.

For Tribal orders, you may not withhold more than the amounts allowed under the law of the issuing Tribe. For Tribal employers/income withholders who receive a State IWO, you may not withhold more than the lesser of the limit set by the law of the jurisdiction in which the employer/income withholder is located or the maximum amount permitted under section 303(d) of the CCPA (15 U.S.C. 1673 (b)).

Depending upon applicable State or Tribal law, you may need to also consider the amounts paid for health care premiums in determining disposable income and applying appropriate withholding limits.

**Arrears greater than 12 weeks?** If the *Order Information* does not indicate that the arrears are greater than 12 weeks, then the Employer should calculate the CCPA limit using the lower percentage.

**Additional Information:**

**NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS:** If this employee/obligor never worked for you or you are no longer withholding income for this employee/obligor, an employer must promptly notify the CSE agency and/or the sender by returning this form to the address listed in the Contact Information below:

This person has never worked for this employer nor received periodic income.

This person no longer works for this employer nor receives periodic income.

Please provide the following information for the employee/obligor:

Termination date: \_\_\_\_\_ Last known phone number: \_\_\_\_\_

Last known address: \_\_\_\_\_

Final payment date to SDU/ Tribal Payee: \_\_\_\_\_ Final payment amount: \_\_\_\_\_

New employer's name: \_\_\_\_\_

New employer's address: \_\_\_\_\_

12 **CONTACT INFORMATION:**

**To Employer/Income Withholder:** If you have any questions, contact \_\_\_\_\_ (Issuer name) by phone at \_\_\_\_\_, by fax at \_\_\_\_\_, by email or website at: \_\_\_\_\_.

Send termination/income status notice and other correspondence to: \_\_\_\_\_ (Issuer address).

**To Employee/Obligor:** If the employee/obligor has questions, contact \_\_\_\_\_ (Issuer name) by phone at \_\_\_\_\_, by fax at \_\_\_\_\_, by email or website at: \_\_\_\_\_.

**IMPORTANT:** The person completing this form is advised that the information may be shared with the employee/obligor.

## INCOME WITHHOLDING FOR SUPPORT

- ORIGINAL INCOME WITHHOLDING ORDER/NOTICE FOR SUPPORT (IWO)
- AMENDED IWO
- ONE-TIME ORDER/NOTICE FOR LUMP SUM PAYMENT
- TERMINATION of IWO

Date: \_\_\_\_\_

Child Support Enforcement (CSE) Agency  Court  Attorney  Private Individual/Entity (Check One)  
**NOTE:** This IWO must be regular on its face. Under certain circumstances you must reject this IWO and return it to the sender (see IWO instructions [http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154\\_instructions.pdf](http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154_instructions.pdf)). If you receive this document from someone other than a State or Tribal CSE agency or a Court, a copy of the underlying order must be attached.

State/Tribe/Territory Texas Remittance Identifier (include w/payment) \_\_\_\_\_  
 City/County/Dist./Tribe \_\_\_\_\_ Order Identifier \_\_\_\_\_  
 Private Individual/Entity \_\_\_\_\_ CSE Agency Case Identifier \_\_\_\_\_

Employer/Income Withholder's Name _____ Employer/Income Withholder's Address _____ _____ Employer/Income Withholder's FEIN _____ Child(ren)'s Name(s) (Last, First, Middle) _____ _____ _____ _____ _____	RE: _____ Employee/Obligor's Name (Last, First, Middle) _____ Employee/Obligor's Social Security Number _____ Custodial Party/Obligee's Name (Last, First, Middle) _____ <div style="border: 1px solid black; width: 100%; height: 100%; margin-top: 20px;"></div>
Child(ren)'s Birth Date(s) _____ _____ _____ _____ _____	

**ORDER INFORMATION:** This document is based on the support or withholding order from Texas (State/Tribe). You are required by law to deduct these amounts from the employee/obligor's income until further notice.

\$ \_\_\_\_\_ Per month current child support  
 \$ \_\_\_\_\_ Per month past-due child support - **Arrears greater than 12 weeks?**  Yes  No  
 \$ \_\_\_\_\_ Per month current cash medical support  
 \$ \_\_\_\_\_ Per month past-due cash medical support  
 \$ \_\_\_\_\_ Per month current spousal support  
 \$ \_\_\_\_\_ Per month past-due spousal support  
 \$ \_\_\_\_\_ Per \_\_\_\_\_ other (must specify) \_\_\_\_\_  
 for a **Total Amount to Withhold** of \$ \_\_\_\_\_ per month.

**AMOUNTS TO WITHHOLD:** You do not have to vary your pay cycle to be in compliance with the *Order Information*. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

\$ \_\_\_\_\_ per weekly pay period \$ \_\_\_\_\_ per semimonthly pay period (twice a month)  
 \$ \_\_\_\_\_ per biweekly pay period (every two weeks) \$ \_\_\_\_\_ per monthly pay period  
 \$ \_\_\_\_\_ **Lump Sum Payment:** Do not stop any existing IWO unless you receive a termination order.

**REMITTANCE INFORMATION:** If the employee/obligor's principal place of employment is Texas, you must begin withholding no later than the first pay period following the date this Order/Notice was delivered to the employer. Send payment on the same day as the pay date/date of withholding. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold up to 50% of disposable income for all orders. If the employee/obligor's principal place of employment is not Texas, obtain withholding limitations, time requirements, and any allowable employer fees at [http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact\\_map.htm](http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm) for the employee/obligor's principal place of employment.

Document Tracking Identifier \_\_\_\_\_

OMB 0970-0154

For electronic payment requirements and centralized payment collection and disbursement facility information (State Disbursement Unit [SDU]), see [http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact\\_map.htm](http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm).

**Include with payment:** the pay date, Remittance Identifier (if known), Order Identifier, CSE Agency Case Identifier (if known), county identified on page 1, Employee/Obligor's name and social security number, Custodial Party/Obligee's name and social security number, if available, and if necessary this FIPS code: \_\_\_\_\_.

Make payments payable in the name of the Custodial Party/Obligee identified on page 1.

Remit payment to Texas Child Support State Disbursement Unit (SDU) (SDU/Tribal Order Payee)  
at PO BOX 659791 San Antonio, TX, 78265-9791 (SDU/Tribal Payee Address)

**Return to Sender [Completed by Employer/Income Withholder].** Payment must be directed to an SDU in accordance with 42 USC §666(b)(5) and (b)(6) or Tribal Payee (see Payments to SDU below). If payment is not directed to an SDU/Tribal Payee or this IWO is not regular on its face, you *must* check this box and return the IWO to the sender.

Signature of Judge/Issuing Official (if required by State or Tribal law): _____ Print Name of Judge/Issuing Official: _____ Title of Judge/Issuing Official: _____ Date of Signature: _____
--

If the employee/obligor works in a State or for a Tribe that is different from the State or Tribe that issued this order, a copy of this IWO must be provided to the employee/obligor.

If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

---

#### ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at: [http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact\\_map.htm](http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm)

**Priority:** Withholding for support has priority over any other legal process under State law against the same income (USC 42 §666(b)(7)). If a Federal tax levy is in effect, please notify the sender.

**Combining Payments:** When remitting payments to an SDU or Tribal CSE agency, you may combine withheld amounts from more than one employee/obligor's income in a single payment. You must, however, separately identify each employee/obligor's portion of the payment.

**Payments To SDU:** You must send child support payments payable by income withholding to the appropriate SDU or to a Tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g., payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a Court, Attorney, or Private Individual/Entity and the initial order was entered before January 1, 1994 or the order was issued by a Tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

**Reporting the Pay Date:** You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the State (or Tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

**Multiple IWOs:** If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to Federal, State, or Tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the State or Tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate allocation method.

**Lump Sum Payments:** You may be required to notify a State or Tribal CSE agency of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments.

**Liability:** If you have any doubts about the validity of this IWO, contact the sender. If you fail to withhold income from the employee/obligor's income as the IWO directs, you are liable for both the accumulated amount you should have withheld and any penalties set by State or Tribal law/procedure.

---

**Anti-discrimination:** You are subject to a fine determined under State or Tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against an employee/obligor because of this IWO.

Employer's Name: \_\_\_\_\_ Employer FEIN: \_\_\_\_\_

Employee/Obligor's Name: \_\_\_\_\_

CSE Agency Case Identifier: \_\_\_\_\_ Order Identifier: \_\_\_\_\_

**Withholding Limits:** You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) (15 U.S.C. 1673(b)); or 2) the amounts allowed by the State or Tribe of the employee/obligor's principal place of employment (see *REMITTANCE INFORMATION*). Disposable income is the net income left after making mandatory deductions such as: State, Federal, local taxes; Social Security taxes; statutory pension contributions; and Medicare taxes. The Federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% - to 55% and 65% - if the arrears are greater than 12 weeks. If permitted by the State or Tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section.

For Tribal orders, you may not withhold more than the amounts allowed under the law of the issuing Tribe. For Tribal employers/income withholders who receive a State IWO, you may not withhold more than the lesser of the limit set by the law of the jurisdiction in which the employer/income withholder is located or the maximum amount permitted under section 303(d) of the CCPA (15 U.S.C. 1673 (b)).

Depending upon applicable State or Tribal law, you may need to also consider the amounts paid for health care premiums in determining disposable income and applying appropriate withholding limits.

**Arrears greater than 12 weeks?** If the *Order Information* does not indicate that the arrears are greater than 12 weeks, then the Employer should calculate the CCPA limit using the lower percentage.

**Additional Information:**

**NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS:** If this employee/obligor never worked for you or you are no longer withholding income for this employee/obligor, an employer must promptly notify the CSE agency and/or the sender by returning this form to the address listed in the Contact Information below:

This person has never worked for this employer nor received periodic income.

This person no longer works for this employer nor receives periodic income.

Please provide the following information for the employee/obligor:

Termination date: \_\_\_\_\_ Last known phone number: \_\_\_\_\_

Last known address: \_\_\_\_\_

Final payment date to SDU/ Tribal Payee: \_\_\_\_\_ Final payment amount: \_\_\_\_\_

New employer's name: \_\_\_\_\_

New employer's address: \_\_\_\_\_

**CONTACT INFORMATION:**

To Employer/Income Withholder: If you have any questions, contact \_\_\_\_\_ (Issuer name)  
by phone at \_\_\_\_\_, by fax at \_\_\_\_\_, by email or website at: \_\_\_\_\_.

Send termination/income status notice and other correspondence to: \_\_\_\_\_ (Issuer address).

To Employee/Obligor: If the employee/obligor has questions, contact \_\_\_\_\_ (Issuer name)  
by phone at \_\_\_\_\_, by fax at \_\_\_\_\_, by email or website at: \_\_\_\_\_.

**IMPORTANT:** The person completing this form is advised that the information may be shared with the employee/obligor.